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The Internal "Working Language" of the Court of Justice of the European Union: Developments

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"Language is the very instrument, the vehicle of law." "Law is the intersection of language and power."[1]

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* © 2026 Susan Wright, Director in Legal Translation, Court of Justice of the European Union, until 2024. All comments are personal. This text was finalized in April 2026.

1. Vassilios Skouris, "Law and Language(s)", in Gunnar Selvik et al. (eds.), *The Art of Judicial Reasoning* 247 (2019), 247. Skouris was the Greek Judge at the Court of Justice from 1999 to 2015 and served as President from 2003 to 2015.

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I. INTRODUCTION

Language is a necessary topic of debate in multi-state organizations. Should there be a prescribed lingua franca? Or should there be some acknowledgment of the diverse languages used in the participating states? In the European Union, a political choice made in the 1950s laid the foundation for a system that continues to prevail. Multilingualism is a value now enshrined in the Treaty on European Union (TEU) and proclaimed in the Charter of Fundamental Rights of the European Union.[2]

In order to protect linguistic diversity in official communications between citizens and national authorities, on the one hand, and European institutions, on the other, the Member States have laid down a unique and mandatory language regime. These legislative provisions are deemed to be so important that they may be amended only by unanimous agreement between the Member States.[3] Council Regulation No. 1 of 1958 ("Regulation No. 1") provides for EU "official languages," which all have equal status at EU level.[4] These are the languages in which EU treaties are "authentic",[5] EU secondary law of general application is produced, and the *Official Journal of the European Union* ("Official Journal") is published.[6] As a result, there is multilingual access to EU law. Any of the EU official languages may also be used in general communication with

2. Article 3(3) TEU refers to "cultural and linguistic diversity". Article 21 of the Charter prohibits discrimination based on language inter alia.

3. Article 342 of the Treaty on the Functioning of the European Union (TFEU).

4. Council Regulation No. 1 [of 1958] determining the languages to be used by the European Economic Community. For the 2013 consolidated version, see https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01958R0001-20130701&qid=1770377732626.

5. Article 55(1) TEU.

6. Articles 4 and 5 of Regulation No. 1.

an EU institution, and the institution must reply to Member States or other correspondents in the official language they have chosen.[7]

The language provisions applicable to the EU institutions in general are supplemented by further "mandatory language arrangements" specific to the Court of Justice of the European Union (CJEU, or "the Court").[8] These arrangements revolve around the key concept of the "language of the case" (*langue de procédure,* sometimes translated as "procedural language"), the linguistic golden thread of each set of judicial proceedings. The rules provide that judicial proceedings may be brought and conducted before the two EU Courts in any of the EU official languages, and EU case law is published in all those languages (in the *European Court Reports*). As a result, access to EU justice is ensured throughout the Union, without language being an obstacle.[9]

Crucially, however, the mandatory language arrangements described are not in any way applicable to the language in which the judges of the EU Courts deliberate or the language in which EU judicial decisions are drafted. The purpose of this Article is to examine the initial choices made in the language of judicial deliberation and drafting (II), the consequences of the convention adopted (III), the reasons to reconsider the convention (IV), the alternative models proposed (V), and the initiative taken by the General Court in 2025 (VI).[10]

II. CHOICE

From a twenty-first century perspective it can be difficult to understand choices made in the 1950s. As regards the choice of French as the language of deliberation and drafting at the Court, it is thus necessary

7. Articles 2, 3 and 8 of Regulation No. 1. See also Articles 20(2)(d) and 24 TFEU.

8. Article 7 of Regulation No. 1; Article 64 of the Protocol on the Statute of the Court of Justice of the European Union ("the Statute"); Articles 36-42 of the Rules of Procedure of the Court of Justice ("CJ Rules of Procedure"); Articles 44-49 of the Rules of Procedure of the General Court ("GC Rules of Procedure"). Consolidated versions are found on the Curia website. The Court of Justice of the European Union is the institution composed of the Court of Justice, the upper court, and the General Court, the lower court, collectively "the EU Courts."

9. See Susan Wright, "The role of multilingualism in upholding the rule of law in the European Union", in Josie Welsh and Louise Hewitt (eds.), *Rights and Justice in Theory and Practice* 34 (2026). In general, see the Court's multilingualism website, https://curia.europa.eu/site/jcms/p1_1000003724/en/main-navigation; Stefaan van der Jeught, *EU Language Law* (2025); Thierry Lefèvre, *Multilingualism at the Court of Justice of the European Union* (2023). Lefèvre is the Court's Director-General for Multilingualism.

10. This Article was inspired by Anthony Arnull, "The Working Language of the CJEU: Time for a Change?", 43 *Eur. L. Rev*. 904 (2018). Professor Arnull was a legal secretary at the Court of Justice from 1989 to 1992.

to remind ourselves of the relevant objective and subjective factors in play over seventy years ago.

A. The Historical Context

Today's Court of Justice of the European Union has its origins in the Court of the European Coal and Steel Community (ECSC). The leaders of Belgium, France, Germany, Italy, Luxembourg, and the Netherlands, recovering from the Second World War, realized that a lasting peace between them would require ongoing cooperation at a supranational level, specifically with respect to the means of production vital to war.[11] As a result, the Treaty of Paris, the ECSC Treaty (the Treaty establishing the European Coal and Steel Community), was signed in 1951 and entered into force in 1952.[12] It established four European institutions: a High Authority (now the European Commission), a deliberative Assembly (now the European Parliament), a Council of Ministers (now the Council of the European Union), and a Court of Justice (Article 7). The mission of the new Court was to "ensure that in the interpretation and application of this Treaty, and of the rules laid down for the implementation thereof, the law is observed" (Article 31). The Court was to be composed of seven Judges (of no specified nationality) appointed by common accord of the Governments of the Member States (Article 32). The Statute of the Court was determined by a Protocol annexed to the Treaty (Article 45), and Article 44 of the Statute provided for the Court to adopt its own Rules of Procedure. Under Article 5 of the Convention on the Transitional Provisions, annexed to the Treaty, no matter could be brought before the Court until those rules were published.

As soon as the Rules of Procedure were published, four cases were brought before the new Court of Justice in 1953, in either French or German. Ten new sets of proceedings were then brought in 1954, in Dutch, French, or Italian. The Court's first judgments were handed down in December 1954.[13]

11. The United Nations Charter had been signed in 1945, the International Court of Justice set up in 1946, the Organisation for European Economic Cooperation (precursor to the OECD) created in 1948, and the Council of Europe established in 1949.

12. An English version of the text is available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11951K.

13. The language of a case is always specified in a footnote to the judgment or order.

B. The Legal Provisions on Languages and Secrecy

The Treaty of Paris was negotiated in French. It provides expressly that it was drawn up in a single original (in French) which was to be deposited in the archives of the Government of the French Republic (Article 100), and that the instruments of ratification by the Member States were also to be deposited with the French Government (Article 99). There are no provisions in the Treaty or its annexes on the use of languages in the institutions.[14]

The original Rules of Procedure adopted by the Court in 1953 were published in four languages in the *Official Journal of the European Coal and Steel Community*.[15] The two articles (27 and 28) of Chapter IX of the Rules determined the Court's language regime. First, the "official languages" of the Court were to be French, German, Italian, and Dutch (listed in the French and Italian versions in that non-alphabetical order). Second, the written and spoken language to be used before the Court in any given case, the "language of the case", was to be the "national language" of the relevant Member State in proceedings between the Community or its institutions on the one hand and a Member State, a company, or a Member State national on the other, as well as the national language of the defendant in proceedings between Member States. Third, and most importantly for present purposes, the Court was to determine the language in which the draft judgment was to be written.[16] If that language was not the language of the case, the text of the judgment was then to be established in the language of the case. The judgments of the Court were to be translated into the other official languages. Fourth, Court publications (including the Reports of Cases required under Article 59) were to be issued in the four official languages. Fifth, for the purposes of Chapter IX, the Court was to set up a "language service" composed of "experts with sufficient legal training and a perfect knowledge of several of the official languages of the Court".[17] Article 28 provided that the Judges (and the Advocates General) could request a translation into any

14. The texts in Dutch, German, and Italian produced for the Member States were mere translations. van der Jeught (2025) 51-5 gives further historical detail on discussions of the ECSC language regime.

15. The original text of March 4, 1953, is available at https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:31953Q0003&qid=1769429933037.

16. "This provision has disappeared", J.A. Usher, "Language and the European Court of Justice", *International Contract Law and Finance Review* 277 (1981), 279.

17. "*un service linguistique composé d'experts justifiant d'une culture juridique suffisante et d'une connaissance parfaite de plusieurs des langues officielles de la Cour*."

of the official languages of any written or oral pleadings. The Members[18] were also allowed to use any official language when asking questions in a hearing, and the Advocates General could choose in which official language to write their Opinions. In the event of doubt, texts (and, we must infer, judgments) drawn up in the language of the case were to be the authentic version.

The second set of relevant provisions concerns secrecy. Article 2 of the original Statute of the Court of Justice provides for Members to swear an oath before taking up their duties, according to which they will "preserve the secrecy of the deliberations of the Court", and Article 29 reiterates that the deliberations of the Court "shall be and shall remain secret". Furthermore, Article 25 of the original Rules of Procedure made it clear that, when the Court deliberated, only the Judges[19] were allowed to be present in the room, unless the Court or its Chambers took a special decision to the contrary. The Court has always adopted a strict interpretation of the secrecy of deliberations, and so the Judges found themselves alone, without interpreters or advisers. It was essential that they agree on a language, or languages, in which to deliberate orally together, in secret, and then to draft their judgments on cases brought before the new Court.

C. The Profiles of the First Judges

When they took up their appointments in December 1952, the first Judges of the ECSC Court of Justice were middle-aged (or elderly) men born in the last quarter of the nineteenth century, who had all lived through the First World War and in some cases fought on opposing sides in the Second World War.[20] Louis Delvaux was a French-speaking Belgian advocate, politician, and journalist who sat from 1952 to 1967. Charles Léon Hammes (1952-1967) was a French-speaking Luxembourg advocate and judge. Massimo Pilotti (1952-1958, first President of the Court) was an Italian judge who had served in francophone Geneva, Switzerland as the deputy secretary-general of the League of Nations (which worked in French and English) and as president of the International Institute for the Unification of Private Law (now UNIDROIT). Otto Riese (1952-1963) was a German judge and law

18. The term "Members" refers to both Judges and Advocates General.

19. And potentially an assistant rapporteur.

20. Their curricula vitae are published on Curia: https://curia.europa.eu/jcms/jcms/p1_217426/en/. See generally, Sally J. Kenney, "The Members of the Court of Justice of the European Communities", 5 *Colum. J. Eur. L.* 101 (1998)

professor who had taught at the francophone University of Lausanne, Switzerland and served on the CITEJA (*Comité international technique d'experts juridiques aériens*), established to study the unification of private air law.[21] Jacques Rueff (1952-1962) was a French civil servant and non-lawyer professor specialising in economics and finance, with experience at the League of Nations and United Nations.[22] Petrus Serrarens (1952-1958) was a Netherlands politician and non-lawyer with international experience in the field of trade unions, social affairs, and European integration.[23] Adrianus van Kleffens (1952-1958) was a Netherlands judge and civil servant with international experience at the League of Nations and in developing European economic integration.[24]

D. The Linguistic Environment

Although the seven new Judges were from disparate cultural, professional, and linguistic backgrounds, it must have been clear to them that they would be able to work and communicate without assistance in French, which was either their first or second language.[25] In addition, their mission was to interpret a treaty whose sole authentic version was in French. More broadly, in the 1950s French was the first or second language of citizens throughout Western Europe and an official language of three of the six Member States, including Luxembourg where the Court has always had its seat. There was also a well-developed body of French legal language, which had already found its way into the provisions of the ECSC Treaty and its annexes relating to the Court. If a single language of deliberation was to be adopted, French was the obvious choice. Furthermore, there is little doubt that, once a legal matter has been discussed using the legal terminology of a given language, it is generally easier and simpler to write up the result of that discussion in the same language. In the light of those factors, the Judges of the ECSC Court of Justice agreed that French was to be the language of its deliberations and,

21. "A distinguished academic of international and comparative law", ibid at 114.

22. He "had no formal legal education, but was an eminent economist", ibid at 112.

23. "A teacher and librarian rather than a jurist by profession", ibid at 109.

24. The first Advocates General were Maurice Lagrange, a French administrative lawyer who served from 1952 until 1964, and Karl Roemer (1953-1973), a German lawyer.

25. French was "spoken fluently" by all Members of the Court per Maurice Lagrange, "La Cour de justice des Communautés européennes du plan Schuman à l'Union européenne", in Pierre-Henri Teitgen (ed.), *Mélanges Fernand Dehousse vol.2, La construction européenne* 127 (1979). "It must have seemed natural for the seven judges and two Advocates General to converse among themselves in French", Arnull (2018) 906.

as "a logical consequence",[26] French was to be the language in which its judicial decisions were drafted.

E. A Point of Terminology

Commentators often describe French as the "working language" of the Court. Though convenient, this shortcut can be misleading. First, it is important to bear in mind the distinction between "language of deliberation" and "language of drafting", two distinct concepts that are conflated only in practice. The language of deliberation is that in which the Judges speak to each other behind the closed doors of the deliberation room (so far as we know), whilst the language of drafting is that in which decisions are written for the purposes of discussion, translation, and dissemination. Deliberation is secret. Drafting is collaborative teamwork. These definitions are important and misuse has (unintended) consequences.[27] The identity of the language of deliberation has an impact which is distinct from that resulting from the language of drafting. Both will be considered in this Article. Second, it can be misleading to assert that the ECSC Court, and indeed today's EU Courts, have one "working language", even though Members of the Court themselves use this expression. The Judges do "work" in French, but it is important to emphasize that proceedings are brought and conducted, and case law is published in all the EU official languages, not just French. Third, there is no distinction in Article 1 of Regulation No. 1 between "official languages" and "working languages of the institutions".

III. IMPACT

The unwritten and self-imposed judicial convention adopted in 1952, a "tacit agreement",[28] has endured for more than seventy years, with rare exceptions, as confirmed by a number of serving and former Judges writing extra-judicially.[29] The choice of French as the single language of judicial deliberation and drafting was adopted by the Court of First Instance (now the General Court) in 1988 and the Civil Service Tribunal

26. Carl Otto Lenz, "The Court of Justice of the European Communities", 15(2) *Legal Issues of Economic Integration* 1 (1988) 6. Lenz was the German Advocate General at the Court of Justice from 1984 to 1997.

27. See the Court's response to the European Court of Auditors' remarks about the language of *deliberation*, examined below in Part IV.C.

28. Lenz (1988) 6.

29. See Leif Sevón, "Languages in the Court of Justice of the European Communities", in A. Giuffre (ed.), *Scritti in onore di Giuseppe Federico Mancini* Vol. II 933 (1998), 943, and Bo Vesterdorf, "Judicial reasoning in a multinational court", in Selvik 259 (2019), 261.

in 2004. According to the Court's official website at the time of writing, the language of deliberation is "usually French" and "judgments are, in principle, drafted in French".[30] "In its internal functioning the Court is monoglot."[31] The Member States have "simply acquiesced in the practice initially adopted by the Court".[32]

The Judges' choice of French has had a cascade effect in terms of consequences, both within the institution, where it determines the entire linguistic ecosystem, and beyond.[33] We will analyze this impact from the following angles: the model of case management, the linguistic demands placed on Members, organizational structure, recruitment, communication, judicial decisions, and legal culture.

A. The Model of Case Management

The French language is central to the Court's model of case management.

Members of the EU Courts do not each understand all of the official languages, of which there are now twenty-four. And yet, they need to understand proceedings brought before them in any of those languages. For the sake of efficiency, a convention developed that pleadings should not be systematically translated between all the languages. Every case file contains the original versions of the written pleadings and the Advocate General's Opinion (if there is one), a version of those documents for the parties in the language of the case, and also a version for the Members in French. Once the judicial decision has been agreed and drafted in French, it must be handed down in the language of the case. The case law is then published in all the official languages.

The model of case management which results from the system outlined can be visualized, depending on cultural references, as a Christmas cracker, a wrapped boiled sweet, an hourglass, or a traditional egg timer (>=<). Twenty-four languages feature at the outset and at the conclusion of judicial proceedings, but proceedings are managed along the way in only two languages. On the one hand, in accordance with the

30. See https://curia.europa.eu/site/jcms/qua1_6243/en/multilingualism-policy.

31. Christoph Krenn, *The procedural and organisational law of the European Court of Justice* (2022) 149.

32. Arnull (2018) 907.

33. Arnull (2018) 907-911, on "The effect of recourse to French within the Court'; Mathilde Cohen, 'On the linguistic design of multinational courts: The French capture", 14(2) *Int'l J. Const. Law* 498 (2016); Sevón (1998) 942-948; Stefaan van der Jeught, "Translation: Court of Justice of the European Union", in *Max Planck Encyclopedia of International Procedural Law* (2019) at points 24 et seq.

EU mandatory language arrangements, multilingualism is preserved in the name of access to justice and law under the rule of law. On the other hand, the egg timer model makes it possible in practice for the Courts to deliver EU justice with finite resources. The system gives pride of place to the language of the case, which varies, and is enshrined in the Rules of Procedure, but also to the language of judicial deliberation and drafting chosen by the Judges, which remains French in every case.

The operation of this rationalized model of case management is clearly dependent upon extensive translation and interpretation during judicial proceedings, not only from and into the language of any given case, but also from and into French in every single case. Since the case file is to be compiled in French, all written pleadings submitted in any of the other twenty-three EU official languages must be translated *into* French in every case. Similarly, Advocates General's Opinions drafted in a language other than French must always be translated into French before they are delivered. Conversely, written questions for the parties, reports for the hearing, judgments, and orders must always be translated *from* French into the language of the case for the parties. Judicial decisions are also translated from French into the remaining twenty-two EU official languages for publication. As regards oral proceedings, simultaneous interpretation into and out of French is always available in every hearing, conducted in the language of the case, since the Members may choose to express themselves in French and also to listen to the French version of oral submissions made in another EU official language.

B. Linguistic Demands on Members

The egg timer model of case management revolving around the French language imposes specific linguistic demands on the Members in the exercise of their judicial functions.

First, the Judges must be able to *speak* legal French without immediate assistance, since the Rules of Procedure require every Judge taking part in the deliberations to "state his opinion and the reasons for it".[34] The President of the Court of Justice has made it clear that the environment of the deliberation room is demanding. "Every case is the subject of written and oral deliberation, with each Judge presenting drafting proposals on the grounds of the judgment—we do not leave it to the reporting Judge. We deliberate paragraph by paragraph on the entire

34. Article 32(3) CJ Rules of Procedure, Article 21(3) GC Rules of Procedure.

reasoning."[35] He also declared that everyone within the Court speaks French "really well" ("*vraiment bien*"). "All the Member States agree to send us Judges and Advocates General who are effective in that language, even though everyone can make mistakes, including me . . . ."[36]

Over the years some Judges have reported that a limited command of French has led to difficulties in deliberation, particularly in responding to unforeseen counter-arguments even if the initial argument was well prepared in advance. After his retirement from the Court of Justice, Sir Konrad Schiemann gave a particularly frank and detailed explanation. He writes that it is necessary to have "the gift of thinking rapidly in French about difficult and subtle points, of rapidly asking questions to the other Judges in French, of drafting texts in French rapidly and of replying rapidly and convincingly in French to the criticisms of a draft or note".[37] Although some of his former colleagues had been able to do this, "most of us did not have, especially at the beginning of our terms of office, the necessary ability".[38] The lower the participants' level of French, the harder it will be to follow the debate and contribute to the process of drafting the judgment. "The debate necessarily continues without our real and effective participation, in spite of our colleagues' politeness."[39] After eighteen years in the Court of First Instance, President Vesterdorf took the same view. "Quite a few" newly appointed judges from non-francophone Member States "have, at least for some time, had problems with their new working language, not least when having to orally explain

35. "*Chaque affaire fait l'objet d'un délibéré écrit et oral, chaque juge présentant des propositions rédactionnelles sur les motifs de l'arrêt - on ne s'en remet pas au rapporteur. Nous délibérons paragraphe par paragraphe, sur l'ensemble du raisonnement*", Koen Lenaerts, *Compte-rendu Commission des affaires européennes, Assemblée nationale* (2021) 8.

36. "*Tous les Etats membres acceptent de nous envoyer des juges et des avocats généraux performants dans cette langue, même si tout le monde peut faire des erreurs, y compris moi . . .* ", ibid at 7.

37. "*Le don de réfléchir rapidement en français à des points difficiles et subtils, de poser rapidement des questions aux autres juges en français, de rédiger rapidement des textes en français et de répondre rapidement et de manière convaincante en français aux critiques d'un projet ou d'une note*", Konrad Schiemann, "La langue de travail de la Cour", in Antonio Tizzano et al. (eds.), *La Cour de justice de l'Union européenne sous la présidence de Vassilios Skouris (2003-2015)* 563 (2015), 568.

38. "*La plupart d'entre nous n'avaient pas, surtout au début de nos mandats, la facilité requise*", ibid.

39. "*Le débat se poursuit nécessairement sans notre participation réelle et effective, et cela malgré la politesse de nos collègues*", ibid at 569. Also Konrad Schiemann, "The functioning of the Court of Justice in an enlarged Union and the future of the Court", in Anthony Arnull et al (eds.), *Continuity and Change in EU law: Essays in Honour of Sir Francis Jacobs* 3 (2008) 9.

their position on this or that legal issue".[40] In short, non-Francophones are at a disadvantage in deliberations.[41]

Second, with the assistance of staff in their *cabinet* (chambers), Members must be able to *read* case files in French. This is true even of Advocates General who do not write their Opinions in French. It should be noted that Members had the right, under the Rules of Procedure, to request a translation of written pleadings into an official language other than French. "The practical importance of this provision is to enable the Members of the Court to follow a case in a language which they understand."[42] Such requests were rare. The relevant provision has now been repealed.[43]

Third, Judges, though not Advocates General, must be able to *draft* the legal French required in a range of documents. "It is assumed that every Member of the Court is capable of producing, in his Chambers, documents drafted in French."[44] In addition to judgments and orders, the reporting Judge (Judge-Rapporteur) in a case drafts in French the preliminary report (an internal working document) and the report for the hearing (if there is one). Where oral deliberation proves to be insufficient to agree on the text of a final decision, notes for deliberation (*notes en délibéré*) are circulated amongst the Judges on the bench. These contributions to deliberation are written in French with the help of staff in chambers and can be particularly helpful where a Judge is less than comfortable when speaking French.

Schiemann has been equally frank about the challenges of drafting in French. "An imperfect command of the working language is a serious obstacle to drafting judgments of the quality to be hoped for from the supreme court of the Union."[45] "There is no doubt that the process of drafting is more difficult and slower if Members of the Court and legal

40. Vesterdorf (2019) at 262.

41. Giuseppe Federico Mancini and David T. Keeling, "Language, Culture and Politics in the Life of the European Court of Justice", 1 *Colum. J. Eur. L.* 397 (Spring/Summer 1995), 398. Mancini was Advocate General and then Judge at the Court of Justice from 1982 to 1999.

42. Usher (1981) at 279.

43. Amongst numerous disparate changes, Article 39 of the 2012 CJ Rules of Procedure was "replaced" in 2019, https://eur-lex.europa.eu/eli/proc_rules/2019/1206/oj/eng; Article 47 of the 2015 GC Rules of Procedure was "amended" in 2023, https://eur-lex.europa.eu/eli/proc_rules/2023/214/oj/eng.

44. Sevón (1998) 943.

45. "*Une maitrise imparfaite de la langue de travail est un obstacle important à la rédaction des arrêts de la qualité que l'on puisse espérer trouver venant de la juridiction suprême de l'Union*", Schiemann (2015) 569.

secretaries have difficulties caused by the working language."[46] On the basis of statistical data relating to the language of reporting Judges, Cheruvu asserts that "francophone judges . . . write judgments more efficiently than their non-francophone counterparts". Proceedings are correspondingly shorter where the Judge-Rapporteur is francophone.[47]

C. Organizational Structure

In order to enable the EU Courts to fulfill their judicial functions, the services of the institution are structured to take account not only of multilingualism, but specifically of the status of French as the language of deliberation and drafting. The judicial machine must be supplied with material in French, and judicial output in French must be polished for dissemination and processed for publication.

First, in preparing their judgments, the Judges call upon the Court's research and documentation service. Where they require comparative analysis of the laws and legal systems of the Member States in respect of a specific issue, for example, they may request a "research note" (*note de recherche*). These notes are all written in French and communicated to the Members in that language, so that they may feed directly into judicial deliberation.[48]

Second, given the multilingual profile of the Judges and their *cabinet* staff, each of the two EU Courts has a team of specifically French-language "readers of judgments" (*lecteurs d'arrêts*), attached to the President's chambers. These lawyers, trained in the law of a francophone Member State, review draft final decisions for the reporting Judges. The proposals they make seek to maintain consistency in the case law, as well as clarity, correct terminology, style, and structure in the use of French legal language.[49] The improved texts are then also reviewed by a team of francophone proofreaders of judgments, who concentrate on the use of the French language more generally.

46. "*Il est incontestable que le processus de rédaction est plus difficile et plus lent si des membres de la Cour et des référendaires ont des difficultés occasionnées par la langue de travail*", ibid.

47. Sivaram Cheruvu, "How do institutional constraints affect judicial decision-making? The European Court of Justice's French language mandate", 20(4) *European Union Politics* 562 (2019), 562.

48. See https://curia.europa.eu/site/jcms/d2_5137/en/research-notes.

49. On the importance of their role, Sevón (1998) 943; Vesterdorf (2019) 268-9.

Third, the organization of the Court's language services, which employ forty-four percent of the institution's staff,[50] ensures that the Members are able to conduct judicial proceedings on the basis of a French version of all written and oral submissions, and judicial decisions can always be translated from French.

The structure of the legal translation service reflects a particular model of language management. The service is made up of twenty-four language-specific units, one for each EU official language, and each working into that one target language. Within each unit the lawyer-linguists translate by convention into their first language, the language of their legal studies. The justification for this practice is the conviction that legal translation of sufficient quality depends upon a "perfect" command of the legal terminology of the target language. Lawyer-linguists "must have the same national legal culture as their national readers".[51] As a consequence of the convention, the French-language unit must be able to translate written submissions into the language of deliberation from any of the other twenty-three official languages.[52] Given the quantity of pleadings and the required breadth of language cover, the French-language unit is more than twice as large as a standard translation unit. Conversely, the other twenty-three language units must all be able to translate from the language of judicial drafting into their respective target languages. Given the volume of judgments, orders, and reports for the hearing produced by the Courts, the majority of documents translated in these units have been drafted in French.[53] In summary, translation into or out of French represents the lion's share of the translation work carried out by some 600 lawyer-linguists.

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50. See https://curia.europa.eu/site/jcms/d2_5103/en/the-court-in-numbers. The organization of the Directorate General for Multilingualism, with 973 posts, is described in Lefèvre (2023) Part 3.

51. "*Doivent avoir la même culture juridique nationale que leurs lecteurs nationaux*," Alfredo Calot Escobar, "Le multilinguisme à la Cour de justice de l'Union européenne: d'une exigence légale à une valeur commune", in Isabelle Pingel (dir.), *Le multilinguisme dans l'Union européenne* 55 (2015), 63. Before becoming the Court of Justice Registrar, Calot Escobar was head of the Court's translation service.

52. Such comprehensive language cover is a Herculean task, particularly for source languages rarely encountered, because neither are they often the language of the case nor are the national authorities of the relevant Member States active in submitting observations or statements in intervention.

53. A fact stated in competition notices for lawyer-linguists. The units also translate Opinions from the languages of expression chosen by the Advocates General and requests for a preliminary ruling, lodged in any EU official language. A unit whose target language corresponds to the language of a case will also translate pleadings, from any of the twenty-three other languages.

Similarly, the interpreting service comprises language-specific booths with some seventy staff interpreters in total.[54] Given the need for interpretation in hearings into the language of deliberation and the convention of working into the first language, the French-language booth is the largest.

D. Recruitment

The place of French in the EU's judicial institution has been reflected in the criteria applied to the selection of all those who work there, at every level.[55]

The Members of the EU Courts must be eminent lawyers.[56] In addition, knowledge of foreign languages, and specifically of the "working language" of the EU Courts, has become an explicit additional "criterion" in assessing the suitability of all candidate Members. According to the independent panel of lawyers established in 2010 to advise the Member States ("the 255 panel"), "the ability to speak, or at least understand, a number of official languages of the European Union, and the ability to acquire proficiency, within a reasonable time, in *the working language* of the European courts and thus be in a position to contribute to deliberations with other members of the court, constitutes an important assessment criterion for the panel".[57] The panel's view is merely advisory, but its negative opinions have always been followed by the Member States.[58]

Unlike the French-language readers of judgments, lawyers working directly for Members need not be trained in francophone legal systems. Nonetheless, they are required to have an "ability to draft legal texts in French" (*une capacité à rédiger des textes juridiques en français*).[59]

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54. There is no permanent booth for either Irish or Maltese, languages rarely used in hearings.

55. Cohen (2016) 508-11 on "screening for French."

56. See Article 19 TEU, Articles 253 and 254 TFEU.

57. *Seventh activity report of the panel provided for by Article 255 of the Treaty on the Functioning of the European Union* (2022) 18 (emphasis added). See generally its informative website: https://comite255.europa.eu/en/.

58. A panel member, Julia Laffranque, "Europe is looking for a super-judge", 32 *Juridica International* 131 (2023), section 5. "Nobody is able to drum up unanimity to 'overrule' the opinion of the Panel", Michal Bobek, "Epilogue: searching for the European Hercules", in Michal Bobek (ed.), *Selecting Europe's Judges—a critical review of the appointment procedures to the European courts* 279 (2015), 287. The panel's opinions are not disclosed to the public.

59. See the permanent call for applications for temporary legal secretaries at the General Court, posted on Curia: https://curia.europa.eu/site/upload/docs/application/pdf/2025-10/cj_ap_ref-trib_perm_en.pdf.

Permanent staff ("officials") who work at the CJEU are generally selected through open competitions in accordance with the EU Staff Regulations. Article 28(f) of those regulations requires that officials in any institution have a knowledge of at least two official languages but does not specify which. However, an examination of competition notices and calls for applications reveals the extent to which a knowledge of French is required to become an official or a temporary member of staff at the CJEU, "in the interests of the service".

The research and documentation service employs lawyers from all the Member States. However, they are required to have "a good knowledge of French, including a genuine ability to draft in that language".[60] Temporary administrators and temporary assistants/secretaries, who might be needed in a wide variety of Court departments, are "usually required" to have a "good knowledge of the French language".[61] Manual and logistical support staff (effecting removals, preparation of rooms, etc.) in the buildings service are required to have "a good knowledge of French".[62]

In the language services, lawyer-linguist candidates for any non-francophone translation unit must offer French as the first of two foreign languages, the source language of the first legal translation test in the selection process.[63] Language-specific proofreaders working in the translation units must have a reading knowledge of French, even where they are proofreading translations in another language. Interpreters must have at least a reading knowledge of French in order to study case files in preparation for hearings.

The requirement of some level of French for those wishing to work at the CJEU at any level has a clear impact on staffing and access to employment.

First, the geographical breakdown of Court staff by nationality reveals a disproportionate number of "Francophones". As at December

60. See the permanent call for applications for temporary lawyers in the service: https://curia.europa.eu/site/jcms/p1_1000065061/en/lawyers-for-the-research-and-documentation-directorate.

61. See the permanent calls for applications: https://ec.europa.eu/dgs/personnel_administration/open_applications/CV_Cand/act/act_getDescrFile.cfm?id_call=706&lng=FRA, and https://ec.europa.eu/dgs/personnel_administration/open_applications/CV_Cand/act/act_getDescrFile.cfm?id_call=707&lng=ENG.

62. See the call for applications for contract staff CJ AP 3/26 with a deadline of February 13, 2026, https://curia.europa.eu/site/jcms/p1_1000069878/en/2-manual-and-logistical-support-staff.

63. Most recently in the 2025 open competition, EPSO/AD/424/25, https://eur-lex.europa.eu/eli/C/2025/2244/oj.

31, 2024, out of a total of 2,267 staff, 193 were Belgian (8.5%), 529 were French (23.3%), and 36 were Luxembourgish (1.6%).[64] These figures should be compared with the populations of the respective Member States as percentages of the total EU population of some 450 million: Belgium has 11.9 million (2.6%), France 68.5 million (15.2%), and Luxembourg 682,000 (less than 0.2%).[65] These figures do not tell the whole story and can be misleading. Only individual curricula vitae reveal the language of (university) education and legal training. Not all Belgians or Luxembourgers would regard French as their first language. A number of EU residents of British origin, including Court staff, have acquired the citizenship of a current Member State. Nonetheless, given that a significant proportion of the staff from non-francophone Member States work in the language services, employing nearly half the Court's staff, it can reasonably be concluded that there are more job opportunities for Francophones in the rest of the institution, particularly working directly for the Judges. Not only must readers of judgments be francophone, but Judges often recruit at least one francophone legal secretary[66] and at least one francophone assistant. It seems that the majority of legal secretaries of both EU Courts are francophone.[67] Within the language services themselves there are more posts for lawyer-linguists and interpreters working into French than for any other target language.

Second, access to employment at the Court is restricted for non-Francophones. The excellent EU and comparative lawyer, who knows several EU official languages, is not necessarily eligible to become a Judge, an Advocate General, a legal secretary, a lawyer in one of the services, or a lawyer-linguist.[68] As a result, the number of applications for certain posts is consistently low. More significantly for an institution which has a judicial mission, "the pool of Judges and staff (in particular

64. *Annual Report 2024—Management Report*, 69. https://curia.europa.eu/site/upload/docs/application/pdf/2025-06/ra_gestion_en_2024_inside-web.pdf. The 2025 report was not available at the time of writing.

65. See https://european-union.europa.eu/principles-countries-history/eu-countries_en.

66. Isabelle Pingel, "Le multilinguisme à la Cour de justice de l'Union européenne: questions choisies", 32 *Int'l J. Semiot Law* 449 (2019), 452; Karen McAuliffe, "Behind the scenes at the Court of Justice", in Fernanda Nicola and Bill Davies (eds.), *EU Law Stories: Contextual and Critical Histories of European Jurisprudence* 35 (2017), 46.

67. See Bobek (2015) 309. The national and language profiles of legal secretaries are not a matter of public knowledge.

68. When a European lawyer offering only English, German, and Hungarian complained that he was not eligible to work in the research and documentation service, the European Ombudsman found no maladministration in Case 1940/2022/EIS: the need for French is "objectively justified and proportionate" since the use of French for deliberations is "a factual situation." See https://www.ombudsman.europa.eu/en/decision/en/167977.

legal secretaries) is automatically reduced because of the need to recruit people who already have a very good level of French".[69] The problems posed in practice have been highlighted by several former Members of the EU Courts.

Bobek, the former Czech Advocate General, concluded the book he had edited on selecting Europe's judges with a final consideration that no contributor had apparently touched upon, "the elephant in the room called French".[70]

> Finding excellent lawyers who speak good French is increasingly difficult in the north of Europe, in central and eastern Europe, but also in south-east Europe. Sometimes, with a bit of exaggeration, the national selection bodies are not searching for the best possible candidates, but for lawyers who happen to speak some French and are ready to be tested on it.[71]

"The use of French as the one working language within the CJEU backfires in the selection process itself and influences the number of potential candidates likely to apply."[72] Vesterdorf, a Dane, is equally explicit. "There is no doubt that potential candidates know that they are expected to be able to work in French, both orally and in writing, if appointed to the Courts. There can also be little doubt that this expectation may deter otherwise well-qualified candidates from seeking appointment."[73] Schiemann asserted that keeping French as the sole "working language" would make it "more and more difficult" to find Judges and legal secretaries "of the quality required" to work at the Court and would "increasingly have a negative effect on the quality of judgments and on annual expenditure".[74] "It is not easy for some Member States to find qualified people. It is therefore not surprising that the [255] panel . . . has given a number of negative opinions."[75] According to a

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69. "*Le vivier de juges et de collaborateurs (notamment les référendaires) est réduit mécaniquement en raison de la nécessité de recruter des personnes ayant déjà un très bon niveau de français*", Christian Lequesne (dir.), *Diversité linguistique et langue française en Europe* (2021) 55. "The crucial question relates to the recruitment of Judges", Schiemann (2008) 10.

70. Bobek (2015), 308.

71. Ibid.

72. Ibid at 309. "New members of the EU may have few scholars or lawyers well versed in EU law and fluent in French and willing to leave their professorships, practices, or the bench to move to Luxembourg", Kenney (1998) 105.

73. Vesterdorf (2019) 261-2.

74. "*De plus en plus difficile*"; "*de la qualité requise*"; "*aura de plus en plus un effet négatif sur la qualité des jugements et sur les dépenses annuelles*", Schiemann (2015) 565.

75. "*Il n'est pas facile pour plusieurs Etats membres de trouver des personnes qualifiées. Il n'est donc pas étonnant que le Comite* [255] *. . . ait donné plusieurs avis négatifs*", ibid at 571-2.

current Estonian member of the panel, the language requirement for Members is "by no means a low hurdle, especially for candidates from newer and non-francophone Member States".[76]

E. Communication

Even though all twenty-four EU official languages are used at the Court on a daily basis, both orally and in writing, French is the default language of *administrative* communication throughout the institution. Everyone employed there is deemed or presumed to have a working knowledge of the language of *judicial* deliberation and drafting.

First, formal meetings between Members, even outside deliberations, are conducted in French without interpretation. These include the general meeting (*Réunion générale*) of the Court of Justice, the plenary meeting (*Conférence plénière*) of the General Court, the administrative committee (*Comité administratif)* of the institution, presided over by the President of the Court of Justice, and the various committees composed of Members, for example on the Rules of Procedure. As in deliberations, the need to use French poses an oral challenge which can hamper communication and participation.

Second, written communication between services and registries on the one hand and *cabinets* (Judges and Registrars) on the other is in French. This includes not only research notes for the Judges, but also documents heading for the *Comité administratif* via the Registrar of the Court of Justice and internal annual activity reports prepared by the services.

Third, formal interservice meetings at every level are conducted as a general rule in French, whether they relate to management, translation, buildings, technology, the library, or budgets. Documents or memoranda, for example those addressed to the administration concerning recruitment, must be written in French. Effective participation in any of these activities depends on a sufficient command of oral and written French.

Fourth, in-house training has traditionally been delivered by default in French and language training gives priority to French.

Fifth, apart from individual communications to outside correspondents governed by the mandatory language arrangements, Court documents unconnected with ongoing judicial proceedings are conventionally *drafted* in French, even where they are intended solely for the outside world. These written communications include formal letters

76. Laffranque (2023) section 4.

to other EU institutions and Member States about the nomination of new Judges or the Court's budget, draft amendments to legislative texts on the organization and procedure of the Courts (the Statute and Rules of Procedure), the institution's Annual Report and Management Report, formal CJEU reports required by legislation, brochures and books for multilingual publication, contract notices and invitations to tender, vacancy notices, and notices of competition.

The fact that French is the *internal* working language of the entire institution has an impact on the Court's interaction with the *outside* world. The Court's policy on multilingualism in relation to its website illustrates compliance with the Court's formal obligations under the mandatory language arrangements of Regulation No. 1.[77] A study commissioned by the European Parliament indeed highlights the fact that the Court is the most multilingual of institutions in this regard.[78] Nonetheless, as the Court explains, on account of "the practical limitations of its available resources" some information is made public "only in a limited number of languages." And wherever that is the case, the influence and privileged status of French is apparent.

Communication with the outside world in the course of *judicial* proceedings is also affected by the Court's choice of French as its internal working language, even though the language of the case is used as required by the mandatory language arrangements. First, EU institutions taking part in proceedings are required to produce their written submissions in French translation, as well as in the language of the case.[79] Second, only Francophones have access to a full translation of all requests from national courts for a preliminary ruling. Where a request is summarized before notification to the Member States, the original is translated in full only into the language of deliberation.[80] Third, only interpretation into French is always available at hearings, which are public, alongside the necessary interpretation into the language of the case. Fourth, proceedings in French-language cases can be shorter, since the majority of documents are drafted in French, and time does not need to be spent on translation between the language of the case and the language of deliberation and drafting. In addition, the bench can decide to

77. See https://curia.europa.eu/site/jcms/qua1_6644/en/linguistic-policy-of-this-site and https://curia.europa.eu/site/jcms/qua1_6243/en/multilingualism-policy.

78. Carlos Mendez et al, *The European Union's approach to multilingualism in its own communications policy* (2022) 62-3.

79. Pursuant to Article 57(2) CJ Rules of Procedure, Article 72(5) GC Rules of Procedure.

80. Article 98(1) CJ Rules of Procedure. See Part IV.B on judicial economy measures.

hand down a judgment, in French, before any other language versions are available for publication.[81]

F. Judicial Decisions

The choice of French as the language of deliberation and drafting has an impact on various formal, non-substantive aspects of the Court's judicial decisions.[82]

1. Access

More EU case law is available in French than in any other EU official language. Since the EU Courts' judgments and orders have by convention been drafted in French, they always exist in that language version. Since CJEU publications must be issued in all the EU official languages, judicial decisions and Advocates' General's Opinions which appear in the *European Court Reports* are available in the twenty-four languages. However, whilst Opinions are always translated and published, judgments and orders are not.

The case law of the Civil Service Tribunal was never published in full in all the official languages. Apart from a few important rulings selected each year, it was available in full only in French and the language of the case, and in summary form in the other languages. The case law of the Court of Justice and the General Court has also been subject to a policy of selective publication since 2004. The "criteria for publication of case law in the Reports" are published on Curia.[83] As a result of the policy, the full text of some Court of Justice decisions and the great majority of General Court decisions exists in only one or two language versions, namely French and the language of the case (which may be French). These two versions are not "published" (and thereby subject to Regulation No. 1), but "disseminated" on Curia. Where there is no publication as such of a judgment in full, the translation service produces for multilingual publication in the *European Court Reports* a short reference document or, rarely, extracts of the judgment (if the General Court bench so decides).

Selective case law reporting is practiced by courts worldwide. However, whilst the case law of a monolingual court will be available in the same quantity and version to all, availability of the case law of the multilingual EU Courts varies according to language. Only those who can read French have access to the full body of EU case law. It is ironic that

81. This practice is adopted by the General Court when speed is of the essence.

82. The author does not comment on the substance of the case law.

83. See https://curia.europa.eu/site/jcms/d2_5120/en/european-court-reports.

"the accessibility of the case-law" was given as a reason for introducing selective publication.[84]

2. Authentic Versions

The French text of a judgment is not the "authentic" version, unless French is the language of the case. Unlike EU treaties and legislation, EU case law is not authentic in all twenty-four official languages, even though official translations are produced by the translation service of the CJEU itself. It follows from the Rules of Procedure of both EU Courts that the authentic version of a judgment is that in the language of the case.[85] This is the version that is signed by the Judges involved and served on the parties or the referring court. It is on the judgment in the language of the case that clerical errors are noted. It is that version which cannot be modified without a formal corrigendum for anything other than a clerical error.

3. Interpretation

The EU Courts' interpretation of their multilingual case law is influenced, if not determined, by the fact that the original version was produced in French by Judges who discussed and decided on the text in French.

Derlén has identified four different approaches to interpretation in the event of a discrepancy between language versions: "formalism", which relies on the "*de jure* original" in the language of the case; "realism", which relies on the "*de facto* original" in French; "dualism", which involves consulting both language versions and combines formalism and realism; and "pragmatism", which involves consulting any or all language versions.[86] "The CJEU and the Advocates General seem to regard the various language versions as a smorgasbord of sources, to be consulted as need and convenience dictate."[87] He concludes that "in the conflict between rule and reality the latter is carrying the day."[88] "The original intent of the CJEU is most naturally achieved by consulting the

84. Court of Justice of the European Communities, *Annual Report 2004*, 11 https://curia.europa.eu/site/upload/docs/application/pdf/2025-08/ra_jud_2004_en.pdf. See Part IV.B on judicial economy measures.

85. Article 41 of the CJ Rules of Procedure, Article 49 of the GC Rules of Procedure.

86. Mattias Derlén, "Multilingual interpretation of CJEU case law: rule and reality", 39 *E. L. Rev*. 295 (2014), 301 and 306-315.

87. Ibid at 315.

88. Ibid at 314.

French version."[89] "The interpreter emphasizes the reality of the language regime of the Court of Justice."[90]

4. Language and Style

The language in which EU judgments are drafted is a very specific form of legal French, sometimes called "Court French", but it is French, nonetheless. The language and style of judgments is thus influenced by the inherent characteristics of the French language, "the way of thinking and expressing themselves which the French have evolved over the centuries".[91]

Sentences can be very long, with multiple clauses, a string of nouns or concepts separated by "of", and the careful use of conjugation to attach verbs and adverbs to the right noun. There is frequent use of the passive voice and abstractions. "Former" and "latter" are often used to refer to people, institutions, concepts, or parties which featured in a previous sentence. There is a tendency towards "elegant variation", highly prized by cultivated French speakers, so that the same word is not used repeatedly to refer to the same concept. Recognized expressions, such as "*par consequent*" (in consequence), "*partant*" (therefore), "*en effet*" (indeed), and "*or*" (usually indicating a change of tack or perspective), are used to indicate the logic of ideas and the connection between sentences. The conditional tense is used to identify the arguments of the parties rather than the Court's own view. Indirect wording is used when assessing the arguments raised by the parties: "it should be noted that", "it must be recalled that", or "it is apparent that". This indirect wording not only reflects French usage but is also "reminiscent of the "considerations" ("*considérants*") which are used in many continental legal traditions".[92]

Sevón, a Finn, identified two difficulties caused by the style of French described, and particularly by long sentences with many clauses. First, as regards translation, "a number of the other official languages do not have the same properties and do not lend themselves to the

89. Ibid at 313.

90. Ibid at 307. See further Mattias Derlén, "Multilingualism and the European Court of Justice: challenges, reforms and the position of English after Brexit", in Emmaneul Guinchard and Marie-Pierre Granger (eds.), *The new EU judiciary. An analysis of current judicial reforms* 341 (2018), 352-354.

91. Schiemann (2008) 10. Cohen (2016) 513-16 on "the effect on writing".

92. Marc van der Woude, "Is there an art of judicial reasoning at the General Court? Some modest comments", in Selvik 273 (2019), 276-77. van der Woude has been a General Court Judge since 2010 and President since 2019.

construction of similar sentences".[93] Second, "the readability of a text is a function of the length of the sentences and the length of the words used. It seems to be a widely held view that the judgments of the Court [which are "already difficult enough to read"] present severe difficulties in terms of readability".[94] He revealed that the structure of sentences "is rarely the subject of a discussion during the deliberations of the Court" and "is normally left to the Reporting Judge and to the *lecteur d'arrets*".[95]

5. Form, Structure, and Uniformity

The form and structure of the Courts' judgments have been influenced by the use of French, under the guardianship and watchful eye of the francophone readers of judgments, who have often been members of the French judiciary.

In the early days, the Court's judgments "looked like a carbon copy of the judgments of the great French courts".[96] After a first part on the facts, the second part of the judgment on the law "must have seemed very familiar in style to French lawyers: it would typically be very concise and comprise a small number of long sentences punctuated in the French text with the phrase '*attendu que*'".[97] Although the style of both EU Courts has become apparently less rigid, today's judgments are characterized by numbered paragraphs, a predictable structure, and a striking uniformity of language. They are based on templates made up of standard formulae, phrases, and paragraphs, a series of building blocks which are copied and pasted from one judgment to the next. This technique has certainly been facilitated by information technology, but it has in fact been actively encouraged for years.[98]

It is evident that the form and structure of an EU judgment is unlike that of a common law judgment. However, this fact does not necessarily suggest that the Courts now adopt a French approach. From the

93. Sevón (1998) 946.

94. Ibid.

95. Ibid.

96. Mancini and Keeling (1995) 399.

97. Arnull (2018) 907. Also Christoph Schoenberger, "'Mi attendu, mi dissertation' Le style des décisions de la Cour de justice de l'Union européenne", 91 *Droit et société* 505 (2015), 512. "At least this formal system had the merit of making it clear to the initiated what were the arguments of the parties and what was the Court's own view", Usher (1981) 281.

98. On the General Court, van der Woude (2019). See the detailed guide with templates written in the 1980s at the latest to assist *cabinets* in drafting Court judgments in French, reproduced in Pierre Pescatore, *Vade mecum. Recueil de formules et de conseils pratiques à l'usage des rédacteurs d'arrêts* (2007). He was the Luxembourg Judge at the Court of Justice from 1967 to 1985.

perspective of a German lawyer, the style of Court judgments is midway between French and German styles of judicial drafting, between "*attendu*" and dissertation.[99] This is a compromise in a multicultural environment covering diverse legal orders. For President van der Woude, there are linguistic reasons for the General Court's attachment to uniformity. It is a necessary feature of a multilingual court where the majority of Judges are not working in their first language. Standardized language and presentation are helpful to non-Francophones drafting in French. Nonetheless, "the main reason relates specifically to collegiate decision-making. The judges and their *cabinets* expect drafts to be presented in a standardized form that facilitates their understanding and the submission of comments."[100] Collegiate decision-making is a feature of French courts.

G. Legal Culture

Some commentators maintain that the influence of French at the CJEU goes way beyond the question of language and the formal or linguistic characteristics of judgments. It has had legal, intellectual, cultural, and social consequences. Francophone Judges and lawyers, and French legal method and culture, exert a disproportionate influence. This is what Cohen calls "the French capture".[101]

It is not difficult to identify features of the EU Courts which are derived from, or at least mirror, the French legal system. The French *Conseil d'Etat* and French administrative law were taken as a "blueprint" for the ECSC Court.[102] This explains even today the classification of actions, the grounds of review, the importance of the written procedure as

99. Schoenberger (2015) 514.

100. van der Woude (2019) 277. The production of the Court's formulaic judgments is an "inherently conservative" process "concerning itself more with linguistic consistency than clarity and legibility", Arnull (2018) 912.

101. Cohen (2016).

102. Arnull (2018) 905, citing the role of Maurice Lagrange, then a member of the French Conseil d'Etat, who was instrumental in drafting the Treaty of Paris articles on the Court. Also Schoenberger (2015) 511-12; Laure Clément-Wilz, "Les Français, la France et la francophonie: réflexions sur la fabrique du droit européen", *Il Diritto dell'Unione europea* 701 (2020), 718-19. Lagrange himself confirmed this source of direct inspiration in Lagrange (1979). In 2021, the General Court was still being compared to the Conseil d'Etat of the EU, Lenaerts (2021) 6.

opposed to the oral phase,[103] the role of the Judge-Rapporteur,[104] and the office of Advocate General.[105]

Both EU Courts issue a single judgment in each case. This is "typical of France and other Member States belonging to the civilian tradition."[106] The purpose of collegiate deliberations is to reach a consensus, a "convincing and legitimate synthesis".[107] Where disagreements remain unresolved, the Judges in the minority have no opportunity for public dissent, "in contrast to many supreme and constitutional courts in Europe".[108]

Certain legal concepts used in EU judgments appear to have been copied over from French law, for example *légalité interne/externe* (internal/external legality), *moyen inopérant* (inoperative ground), or *obligations de moyens/résultat* (obligations of means/result). The fact that such concepts bear different names in the legal systems of different Member States means that Judges must learn "the exact meaning in French of the legal notions in question" to avoid "confusion during deliberations".[109]

The method of reasoning employed in Court of Justice judgments has been described as syllogistic,[110] much like the traditional style of the French Conseil d'Etat. The Court makes a "magisterial" declaration of law without seeking to persuade anyone as to the rightness of its interpretation,[111] a sign of "its French heritage".[112] Whilst francophone commentators express satisfaction with the Court's "coherent", "persuasive", and "well developed" argumentation, others are frustrated

103. On the lack of oral exchanges between bench and advocates, see Usher (1981) 280 and Schiemann (2008) 7-8.

104. He "will very often have to be willing to arrive at compromises with the other members of the bench", Lenz (1988) 5. This may lead him towards "caution and lack of originality", Schiemann (2008) 14.

105. The model was the *Commissaire du Gouvernement* (now the *rapporteur public*), Lenz (1988) 5.

106. Arnull (2018) 916. A single judgment is required by Article 32(4) CJ Rules of Procedure and Article 21(4) GC Rules of Procedure.

107. "*Une synthèse convaincante, légitime*", Lenaerts (2021) 7.

108. Krenn (2022) 130.

109. Vesterdorf (2019) 266.

110. Derlén (2014) 297 collects less technical epithets: "famously opaque", "superficial", "cryptic", "succinct", "sybilline", and "impersonal".

111. Ibid at 305 on the fear that any sign of division or uncertainty will lead national courts to suspect that the answer was not in fact clear. EU case law might seem less authoritative, leading to a reluctance to apply it in the Member States.

112. Arnull (2018) 909.

by the "often stunted reasoning" and "frequently oracular tone".[113] There have been "striking developments" in the case law, "momentous steps which [have] received only meagre justification from the Court".[114] This judicial method "is partly attributable to the historical influence on the Court of French legal method".[115] Succinct or unclear reasoning "may in fact be precisely the result of disagreement and subsequent compromise about the formulation of the reasoning".[116] Such compromise is of course inherent in single-text collegiate judgments.

The EU Courts have a particular attitude to judicial precedent. The Court of Justice began by including words and sentences derived from previous judgments but without citing the case law. There was "a typically continental preference for vague allusions to the "settled case-law of the Court" and for disguised quotations from previous judgments".[117] Both Courts now often list strings of previous judgments, but it is not always clear "what legal message or principle the quoted precedents are supposed to convey"[118] or "why a particular judgment is cited over another and judgments are rarely explicitly overturned or distinguished".[119] Although precedents are not officially binding, they are "quoted as if they were provisions of an abstract legal code",[120] judgments are "treated essentially as legislation".[121] There is an "indirect acceptance of the stare decisis principle" by the General Court in the interests of legal certainty and coherence.[122]

There is no doubt that all of these features are alien to the Anglo-American common law tradition, which was of course not represented at the inception of the ECSC and its Court.[123] However, it can be argued that

113. Ibid at 908; Mancini and Keeling (1995) 398.

114. Arnull (2018) 909. For judicial acknowledgement of such criticism, Vesterdorf (2019) 263 and Sevón (1998) 948.

115. Arnull (2018) 910.

116. Vesterdorf (2019) 266. Also Schoenberger (2015) 517-18; Mancini and Keeling (1995) 398.

117. Mancini and Keeling (1995) 402. The author can attest to the fact that British students of EU law in the late 1970s were advised that a simple change of wording indicated that the Court was changing its case law.

118. van der Woude (2019) 278. Also Arnull (2018) 909-910.

119. Derlén (2014) 305.

120. van der Woude (2019) 278. He is nonetheless clear and frank about the value of precedents at the General Court, a "terra cognita known to all".

121. Derlén (2014) 315. He refers to Komarek's "legislative model of reasoning with previous decisions" and Tiersma's "textualisation of precedent", at 298-9.

122. Vesterdorf (2019) 264.

123. For a careful analysis by a senior U.K. judge who was a member of the 255 panel, Jonathan Mance, *The common law and Europe: differences of style or substance and do they*

they are not the result of purely French influence but rather hallmarks of the Romano-Germanic or broader "continental" tradition, which have been transplanted to the Court through the medium of the French language. Be that as it may, Bobek goes so far as to claim that the "*linguistic* domination" of French "spills over into *intellectual* domination".[124] This "leads to ideas, notions, or solutions from outside the francophone legal family not being genuinely represented within the institution, and not being systematically translated into its cases".[125] Bobek's view is quoted apparently with approval by Arnull. He argues that the Court's judicial style "might have been acceptable, even desirable, in a Community of six Member States with a broadly shared understanding of the role of courts" but "the arrival of Member States from other legal traditions brought with it judges and practitioners with different expectations".[126] The Court's approach to judging

> is unsustainable in 21st century Europe, where citizens expect to be engaged in a process of dialogue by the institutions of government, including the courts. In the EU legal order, the Court must also maintain a full and frank dialogue with the national courts if it is to retain their confidence.[127]

Although a claim of cultural or intellectual domination through language is difficult to assess, and the risk may seem "exaggerated" and "in part determined by the posture of the person denouncing it",[128] the Court's choice of French as the language of deliberation and drafting has certainly resulted in the presence in the institution of a large number of Francophones. Even if that is "the only tangible effect", those Francophones "will tend . . . to defend French as the working

matter? (2006), https://www.birmingham.ac.uk/Documents/college-artslaw/law/holdsworth-address/holdsworth06-07-mance.pdf.

124. Bobek (2015) 309.

125. Ibid. Note Vesterdorf (2019) 260 on the Courts' practice of ensuring "that various national legal cultures are represented in each chamber to avoid the predominance of a particular legal culture. In practice, one would therefore not see a chamber composed of a Swedish, a Danish, and a Finnish judge, nor a chamber composed of a French, a Belgian, and a Luxembourgish judge."

126. Arnull (2018) 909.

127. Ibid at 910. It is clear that Arnull expects dialogue as part of judgments, whereas the Court pursues dialogue with its stakeholders outside the courtroom. See Vesterdorf (2019) 262 on the importance of "well-reasoned judgments" for "the general acceptance and legitimacy of the rulings of the courts".

128. "*Exagéré,*" "*en partie déterminé par la posture de celui qui la dénonce*", Clément-Wilz (2020) 718.

language".[129] The linguistic ecosystem of the institution is thus self-perpetuating; its linguistic design is self-reinforcing.[130]

IV. STRAIN

When the ECSC Court chose French as its language of deliberation and drafting in 1952, that decision was a reflection of the times. Today's EU Courts are required to operate in a context that could not have been foreseen seventy years ago (subsection A). Changing circumstances beyond the Court's control have placed a strain on a model of case management that was designed to promote efficiency. In response to the challenge, the Court has undergone a range of significant reforms (subsection B). However, in spite of those developments, the fact that the French language retains a special status at the Court is the subject of ongoing critical inquiry. French domination is one thing, but a perceived lack of efficiency in case management is quite another (subsection C).

A. Changing Circumstances

1. Territory

The original Community of six became, by way of seven successive enlargements, a Union of twenty-eight Member States. Denmark, Ireland, and the U.K. joined in 1973, Greece in 1981, Portugal and Spain in 1986, and Austria, Finland, and Sweden in 1995. In 2004, 10 countries joined at the same time: Cyprus, the Czech Republic (or Czechia), Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. Bulgaria and Romania then joined in 2007, and Croatia became the twenty-eighth Member State in 2013.[131] When the U.K. withdrew from the EU in 2020 ("Brexit"), the twenty-eight became twenty-seven. Whereas the ECSC covered six contiguous countries in the heart of Western Europe, today's Union stretches from the Arctic Circle in the north down to the southern Mediterranean, and from Ireland and the Iberian Peninsula in the west to the Russian and Turkish borders in the east. The Member States no longer all belong to the same Romano-Germanic or continental legal family: they encompass the common law and Nordic traditions but also post-Communist legal systems in central, eastern, and Baltic Europe.

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129. "*Le seul effet tangible*"; "*auront tendance . . . à défendre le français comme langue de travail*", ibid at 726.

130. Arnull (2018) 911; Cohen (2016) 516.

131. See https://european-union.europa.eu/principles-countries-history/eu-countries_en#header_countries_list, including a map.

The greater territorial reach of the EU has had two obvious consequences for the EU Courts: territorial jurisdiction has been extended, and Members and staff are now drawn from twenty-seven European countries.

2. Linguistic Environment

The four recognized languages of the ECSC were Dutch, French, German, and Italian. As the Union has expanded, so too has the list of EU official languages enshrined in Article 1 of Regulation No. 1. Danish and English were added in 1973, Greek in 1981, Portuguese and Spanish in 1986, and Finnish and Swedish in 1995. The great enlargement of 2004 brought in nine new official languages overnight: Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak, and Slovenian (or Slovene). Bulgarian, Irish, and Romanian were then added in 2007, and most recently Croatian became the twenty-fourth EU official language in 2013.[132] As the number of EU official languages grew to twenty-four, so too did the number of possible languages of cases.[133] Further to the mandatory language arrangements, there are thus twenty-four official language versions of EU treaties, legislation, and case law, and proceedings may be brought before the EU Courts in any of the twenty-four languages. In the context of translation and interpreting, twenty-four languages imply 552 language combinations (24x23) as opposed to the original twelve (4x3).[134]

As a result of successive enlargements, there has been a marked evolution in language competence and language learning within the EU. Recent reliable data can be found in the European Commission's latest report about "Europeans and their languages" published in 2024.[135] The report's findings, including comparison with figures from 2012, are stark. They give detailed evidence of the rise of English within the EU.

The first part of the report relates to "Multilingualism in the EU". It records that

132. Brexit did not affect the status of English as an EU official language, which depends on unanimous agreement between the Member States, pursuant to Article 342 TFEU.

133. See the list in Article 36 CJ Rules of Procedure, replicated in Article 44 GC Rules of Procedure.

134. Partial derogations from the requirements of Regulation No. 1 applied until 2007 to Maltese due to a "lack of qualified translators", and until 2022 "for practical reasons" to Irish (which had been an authentic Treaty language and potential language of the case since 1973). English is also an official language in Ireland and Malta.

135. *Special Eurobarometer 540 Europeans and their languages September—October 2023* (European Union, 2024), https://europa.eu/eurobarometer/surveys/detail/2979. For the 2012 report see https://europa.eu/eurobarometer/surveys/detail/1049.

> i) German is "the most prevalent mother tongue", in line with population;
>
> ii) despite Brexit, English as a mother tongue or as another language "is by far the most spoken language" at fifty percent (followed by German at twenty-nine percent and French at twenty-five percent);
>
> iii) spoken English as a non-mother tongue is "most prevalent" at forty-seven percent (followed by French at eleven percent and German at ten percent);
>
> iv) English-speaking skills have "grown substantially" since 2012;
>
> v) at national level, English is "the language most widely spoken as non-native language in every EU Member State" with the exception of Luxembourg, where it is the second most likely after French.[136]

The second part reports on "Use of languages in different contexts". For those who use their first foreign language every day (thirty-one percent), English is "the dominant choice" (twenty percent), followed by German (four percent) and French (three percent). English is also "the most common second foreign language". Between 2012 and 2023, English use by non-native speakers advanced "in almost every EU Member State."[137]

The third part concerns "Language learning: motives and methods". English as a non-mother tongue "stands out". Seventy-seven percent consider it "crucial for personal development", followed by German (fourteen percent), French (thirteen percent), and Spanish (twelve percent). Europeans "emphasise the importance of English" "for their children's future" (eighty-five percent). The next most important languages "follow at quite a distance", and their importance has dipped since 2012: German (thirteen percent, -6), Spanish (thirteen percent, =), French (twelve percent, -4) and Chinese (eleven percent, -2).[138]

It is clear that, as knowledge of French has declined, so competence and interest in English have spread throughout the EU. It has become "the new *lingua franca*", "the common language of our time".[139] Skouris has referred to "the *de facto* dominant position of the English language in the European and international business world" and asserted that "English has become a condition for every academic post, a condition comparable

136. Eurobarometer (2024) 7, 19, 20.
137. Ibid at 92.
138. Ibid at 7, 92, 93.
139. Lenaerts (2021) 7; Skouris (2019) 256.

to technical skills [such] as typing".[140] Non-anglophones, including (former) staff and Members of the EU Courts, regularly use English in academic commentary on EU law. English has become the main "working language" in the EU's political institutions, where it is used in legislative drafting and meetings more often than any other language, including French.[141] In open interinstitutional competitions, many more candidates declare a knowledge of English than of any other official language.[142] And there is a new generation of young (non-anglophone) lawyers who are studying EU law through English in non-anglophone Member States, notably the Netherlands.

As a result of this overall trend, Bobek asserts that the Court as an institution has become isolated in two respects by virtue of its continuing choice of French as language of deliberation and drafting. "Horizontal" isolation results from the fact that the Court is the only EU institution to use French as "its only internal working language", when the other institutions "have effectively switched to English". "Vertical" isolation, which is "much more important", places the Court "at a distance from the majority of the Member States".[143] The linguistic profile of (potential) recruits to the Court, whether Members or staff, has shifted: their first foreign language is much more likely to be English than French.[144] "Stated in a non-diplomatic nutshell: anyone engaged with anything foreign in Europe today is likely to speak English."[145]

3. Workload

The ECSC Court of the 1950s could be characterized as "an international administrative court" with "a circumscribed role within the

140. Skouris (2019) 254, 256.

141. See Derlén (2018) 342, 347. On the Council and Parliament respectively, see their jurisconsults in Pingel (2015) 47 and 141 : Hubert Legal, "Le régime linguistique des institutions de l'Union—rôle et pratique du Conseil", 50-52; and Christian Pennera, "Le multilinguisme, comme idéal?" 143-4. On the Commission, see legal service director Julian Currall, "Official languages inside and outside the institutions: an analysis of recent cases", 39(3) *Ga. J. Int'l & Compar. L.* 587 (2011), 599. In 2019, 3.7% of Commission documents sent for translation had French as the source language, compared with 85.5% for English, Lequesne (2021) 50.

142. Over ninety-five percent, followed by fifty-one to fifty-five percent for French in the 2017 and 2018 AD5 generalist competitions, Lequesne (2021) Annex 3.

143. Bobek (2015) 308-9. The Court is "still rooted in a bygone era", Theodor Schilling, "The role of English language in the European Union—English *versus* multilingualism", in Pingel (2015), 101 at 108.

144. Schiemann (2015) 565-7. Schiemann (2008) 5-11 on "the language challenge" caused by enlargement.

145. Bobek (2015) 308.

[ECSC] institutional architecture". The Court and its Members led "a rather quiet life".[146] Over the years, just as the territory of the EU has been extended, so have the scope of EU law and institutional activity and the range of EU decision-makers and potential litigants.[147] The substantive jurisdiction of the EU Courts has automatically followed into areas that must have been beyond the imaginings of the original ECSC Judges. Today, the subject matter of judicial proceedings ranges from intellectual property to human rights, from abuse of a dominant position to international child abduction, from the recognition of foreign judgments to restrictive measures against proscribed organizations.

This expansion of jurisdiction has had a significant impact on the Courts' caseload, on the duration of proceedings, and on the workload of the language services.

The Courts have no control over the number of cases brought before them. Indeed, the Court of Justice has actively, and successfully, encouraged the national courts to make requests for a preliminary ruling, to ensure the uniform interpretation and application of EU law. The statistics show that there has been a structural increase in caseload over the years. Between 1953 and 1962, a total of only 229 cases were brought, including six requests for a preliminary ruling, and 92 cases were resolved.[148] By contrast, in 2025 alone, 1,878 new cases were brought before the two EU Courts, 2,301 were resolved, and 2,489 were pending at the end of the year. In the Court of Justice, 889 cases were brought, including 580 requests for a preliminary ruling. Seven hundred seventy-four cases were resolved and 1,322 were pending at the end of the year. In the General Court, 989 cases were brought, including 829 direct actions. One thousand five hundred twenty-seven cases were resolved and 1,167 were pending at the end of the year.[149]

Already in 1998, prior to the great enlargement of 2004, the Court was "frequently criticised on account of the length of the proceedings in

146. Krenn (2022) 41.

147. For a clear and succinct introduction, see T.C. Hartley, *The Foundations of European Union Law* (2014). The ninth edition, by Hartley and Takis Tridimas, is expected in 2026. The single textbooks and casebooks on "Community law", used as late as the 1980s, have been replaced by numerous volumes, each devoted to a broad introduction or to a specialist topic such as EU trademarks.

148. See the comparative tables in CJEU (2026) *Rapport annuel 2025—Statistiques judiciaires de la Cour de justice*, 31. https://curia.europa.eu/site/upload/docs/application/pdf/2026-03/ra_fr_statistiques_25_-_cour_web.pdf.

149. *Annual Report 2025—The Year in Review,* 19, 25, 27, 33, 36. https://curia.europa.eu/site/upload/docs/application/pdf/2026-03/qd-01-25-007-en-n.pdf.

the cases which come before it".[150] A crisis point was reached when the Grand Chamber of the Court of Justice found that the General Court had failed to adjudicate within a reasonable time, in breach of Article 47 of the Charter of Fundamental Rights of the European Union. The duration of proceedings before the General Court in Case T-79/06, a competition case, had "amounted to approximately 5 years and 9 months" which could not be "justified by any of the particular circumstances" of the case.[151] Judgment had been handed down in 2011, a year during which the average duration of proceedings before the General Court was 50.5 months in competition cases.[152]

In the multilingual EU Courts, an increase in the caseload, coupled with an increase in the number of official languages, brings an inexorable rise in the volume of necessary translation and interpreting. In 2025, 1,405,000 pages came in for translation, a new record, and 1,386,000 pages were in fact translated. There were 511 hearings and meetings with simultaneous interpretation.[153]

4. English-Language Cases

Between 1952 and 1973, no case could be brought before the Court in English. Since that time the number of applicants who choose to bring proceedings in English has grown, both in real terms and as a proportion of the Court's overall caseload. The choice of the language of the case does not always indicate a link to an anglophone Member State, an anglophone litigant or legal representative, or even a European litigant. For example, U.S. companies regularly bring competition cases before the General Court in English to challenge Commission decisions.[154]

It is not easy to ascertain the number of cases brought in each official language, because these statistics do not feature in the Court's annual reports.[155] They are collated internally but not disclosed to the public. Judge Schiemann shed some light on the question in 2015, on the basis of

150. Sevón (1998) 946. "Undoubtedly a serious concern", Francis G. Jacobs, "Recent and ongoing measures to improve the efficiency of the European Court of Justice", 29 *E.L. Rev.* 823 (2004), 823. "Unconscionably long" for some litigants, Schiemann (2008) 4.

151. Case C-40/12 P *Gascogne Sack Deutschland v. Commission*, para. 97.

152. CJEU, *Annual Report 2011*, 201. https://curia.europa.eu/site/upload/docs/application/pdf/2012-06/ra2011_version_integrale_en.pdf.

153. *Annual Report 2025—The Year in Review*, 20.

154. In 2025, for example, Apple and Apple Distribution brought Cases T-354/25 and T-359/25, Meta Platforms brought Case T-435/25, Apple brought Case T-438/25, and Google and Alphabet brought Case T-794/25.

155. Although the total number of requests for a preliminary ruling is broken down by Member State.

research via the Curia website conducted at the time of his writing. He reported that, at the Court of Justice between 2004 and 2009, there were 500 French-language cases and 310 in English. At the General Court during the same period, there were 518 in French and 509 in English. However, between 2009 and 2014 the situation was quite different. At the Court of Justice, 398 were in French and 406 in English. At the General Court, there were 459 cases in French and 1,019 in English.[156] If an analogous search is made today, to identify the cases brought before the two Courts between the beginning of 2020 and the end of 2025, the results are as follows.[157] Of a total of 3,208 cases brought before the Court of Justice, 329 were brought in French and 448 in English. Of a total of 3,680 cases brought before the General Court, 527 were brought in French and 1,470 in English. In 2025 alone, of a total of 796 cases brought before the Court of Justice, 89 were brought in French and 112 in English. Of a total of 850 cases brought before the General Court, 120 were brought in French and 412 in English.

It can thus be asserted with reasonable accuracy that a) more cases are brought before the Court of Justice in English than in French, and b) some forty percent of cases brought before the General Court still have English as the language of the case, in spite of Brexit. In those cases, there is repeated translation between English and French, even if English is understood by the Members of the formation dealing with the case. As a consequence, given the volume of cases at issue and the length of documents to be translated, bottlenecks can arise in the resolution of English-language cases when the Judge-Rapporteur needs a French-language version of the written submissions in order to write the preliminary report in French, when the date of the hearing cannot be set until an English-language version of the report for the hearing is made available to the parties, or when the judgment cannot be handed down until the authentic, English-language version is available. It is not possible

156. Schiemann (2015) 567-568. He thought that the omission of such statistics from the lengthy annual reports of the time could be explained "perhaps by delicacy in the face of the thorny question regarding the choice of the Court's working language" ("*peut-être par délicatesse face à la question épineuse concernant le choix de la langue de travail de la Cour*").

157. Until such a form is made available in the new InfoCuria tool, using the "traditional" advanced search form on Curia, see https://juris.curia.europa.eu/juris/recherche.jsf?language=en, specify "all cases", the relevant "Court", the "period or date", "date of the lodging of the application initiating proceedings" and the relevant "language of the case". Even if/though the figures extracted on April 21, 2026, do not tally with the statistics published in the annual reports, we must presume that the results from the Curia search are consistent within themselves.

to assess the temporal or quantitative impact of translation in such cases without access to internal statistics.[158]

5. Technology

The extent of technological advance over the last seventy years is clear. This is a factor that cuts across the areas of change identified above and renders the Court's caseload ever more technical, varied, and complex. The Court is called upon to adjudicate in fields that were unimaginable to the ECSC Judges.

Technological advance can also modify the impact of the Court's choice of French. The digital revolution has transformed the way in which information is handled by accelerating the processing of large volumes of data with less and less input from humans.[159] Of particular relevance to this article is the effect on communication in a multilingual setting. Artificial intelligence (AI), and now generative AI, brings new working methods, tools, and applications which have a transformative impact on legal research, drafting, and translation. There are new, unforeseen, and unforeseeable opportunities to improve both case management and language management.

B. Reforms at Court

The EU judiciary has been in no way impervious or oblivious to the changing circumstances outlined above. In order to maintain the ability to fulfill its judicial mission to deliver quality EU justice in a timely fashion, the Court has undergone, and often instigated, many reforms since 1952. For the purposes of this Article, the reforms can be viewed from three angles: judicial "architecture", judicial "economy measures", and language management.

1. Judicial Architecture

The EU's judicial institution has undergone an observable physical transformation over the last seventy years. Its eleven courtrooms are now housed in an extensive complex of buildings, and over 2,000 staff work

158. In 2022, translation accounted for 18.9% of the total duration of General Court proceedings, Lefèvre (2023) 98.

159. We have moved from physical libraries, card indexes, and microfiches, via word processors and photocopiers, to online digital libraries and encyclopaediae, databases, websites, internet search tools, QR codes, hyperlinks, electronic document transfer, social media, internet streaming, podcasts, and chatbots, all accessible via a small handheld device.

in a wide variety of services.[160] Less obvious to the casual observer is the fact that the underlying judicial architecture has undergone reforms in terms of structure and composition. In the absence of a change to the mandatory language arrangements, there was a focus on increasing the supply of judging capacity, usually at the Court's request.

As the territory of the EU was extended, so the number of Judges increased in line with the number of Member States. By 2013 there were twenty-eight Judges in each of the two EU Courts compared with seven in the 1950s. As regards Advocates General, there are now eleven in the Court of Justice compared with two in the 1950s. Five posts are permanently taken by nominees from the five largest Member States, which now exclude the United Kingdom but include Italy, Poland, and Spain alongside France and Germany. The remaining six posts are shared on a rotating basis between the other twenty-two Member States, whose nominees may serve for a single six-year period.

As the caseload of the Court increased, further measures were taken to increase the supply of Judges and to ease the burden on the Court of Justice. The Court of First Instance was created in 1988 to relieve the Court of Justice of part of its caseload.[161] The Civil Service Tribunal was then established in 2004 to relieve the Court of First Instance of part of *its* caseload,[162] and additional areas of jurisdiction were transferred to the Court of First Instance to relieve the Court of Justice further of some of *its* caseload.[163] In 2015 the number of Judges in the General Court (so renamed in 2009) was doubled, rising in stages to fifty-four (post-Brexit), two per Member State.[164] In parallel the Civil Service Tribunal was dissolved and its first instance jurisdiction in EU civil service cases was transferred back to the General Court.[165] Most recently, in 2024,

160. See https://curia.europa.eu/site/jcms/d2_5101/en/court-departments; https://curia.europa.eu/site/jcms/d2_5103/en/the-court-in-numbers.

161. Council Decision of October 24, 1988, establishing a Court of First Instance of the European Communities (88/591/ECSC, EEC, Euratom). "Just in time to avoid paralysis", Anthony Collins, "The time factor in proceedings", in CJEU, *De 20 ans à l'horizon 2020* 77 (2011), 78.

162. Council Decision of November 2, 2004, establishing the European Union Civil Service Tribunal (2004/752/EC, Euratom).

163. Decision 2004/407/EC, Euratom.

164. Regulation (EU, Euratom) 2015/2422.

165. Regulation (EU, Euratom) 2016/1192. The Member States had found it difficult to agree on judicial appointments to only seven posts in the Tribunal. No other "specialised courts" have been set up pursuant to Article 257 TFEU.

jurisdiction in preliminary ruling proceedings was transferred in part from the Court of Justice to the General Court.[166]

Rebalancing the caseload between the Court of Justice and the General Court has already had a positive impact. In 2025, the average duration of proceedings before the two EU Courts was 18.2 months. The figure for the Court of Justice alone was 16.7 months on average, and for the General Court 18.9 months.[167] Turning the General Court into "the world's largest international jurisdiction"[168] has also allowed it to reduce the volume of pending cases by markedly increasing its output in 2025.

2. Judicial Economy Measures

The 2004 enlargement was described by President Skouris at the time as "a great challenge for the Court, at both [the] jurisdictional and administrative level". Its prospect proved to be a catalyst for a series of economy measures (*mesures d'économie*) designed to streamline judicial proceedings and, as a conscious consideration, reduce the workload of the translation service.[169] It was necessary to find the best possible balance between, on the one hand, ensuring access to justice and the case law in all the official languages and, on the other, "administering that justice without foundering under the sheer weight of multilingualism".[170] In response to a growing caseload, the Judges thus focused on improving efficiency in case handling,[171] without departing from the traditional model of case management centred on French. Some reforms required amendments to the procedural texts of the Statute and the Rules of Procedure—at the Court's request—but others were implemented within the sphere of the Court's internal maneuvering, through a mixture of soft law (such as practice directions) and judicial management. The impact and efficacy of the reforms are closely monitored, and statistics are an important feature of the Court's annual reports.

166. Regulation (EU, Euratom) 2024/2019.

167. *Annual Report 2025—The Year in Review*, 19, 27, 36.

168. van der Woude (2019) 279.

169. *Annual Report 2004*, 9. See Jacobs (2004) 827: the effectiveness of transfers of jurisdiction is conditioned by the capacity of the Court's services, in particular translation. On "cost savings in translation", Lefèvre (2023) 92-5.

170. Jacobs (2004) 827. See Calot Escobar (2015) 66-70 on "preserving multilingualism" (*préserver le multilinguisme*) through these measures.

171. "The major drive for EU judiciary's reforms", Marc Jaeger, "The EU judiciary in a new era of accountability", in Selvik 91 (2019), 94. Jaeger, a Luxembourger, has been a General Court Judge since 1996 and was President from 2007 to 2019.

The principal "rationalisation" measures seeking to balance the tension between efficiency and linguistic diversity can be presented along the timeline of judicial proceedings.

i) Requests for a preliminary ruling under Article 267 TFEU may be summarized in the language of the case where the national court's order for reference exceeds twenty pages. The full original text will be translated only into French, for the Court, and the summary will be translated into the other official languages prior to notification to the Member States. In addition, under the "urgent" preliminary ruling procedure Member States other than the State of the referring court may not submit written observations. The duration of proceedings is significantly shortened, the translation load is reduced, but there may be more oral observations to interpret at the hearing.

ii) Written pleadings can be limited to one round (without reply or rejoinder) and they are subject to restrictions on length and guidance on the form and structure of presentation.

iii) Appeals to the Court of Justice from the General Court are subject to a mechanism for determining whether an appeal may proceed, where the administrative decision at issue has already been reviewed by an independent board of appeal of one of ten offices, bodies, and agencies of the EU.

iv) Reports for the hearing have diminished in importance. Initially they were translated into all languages and published in the Court Reports, but they are now not published and are translated only into the language of the case. After making them shorter the Court of Justice finally abolished them in 2012. More recently they have become rarer in the General Court (where hearings are no longer systematically held) and they do not feature in the newly transferred preliminary ruling proceedings.

v) The oral procedure had assumed greater importance after the accession of two common law countries in 1973, but hearings are now constrained. There is not a hearing in every case, speaking time in hearings is regulated (although General Court hearings may last several days in big cases), and there is limited interaction between the bench and advocates.

vi) Advocates General's Opinions are not required in every case. By agreement with the translation service, they are also in principle subject to a maximum length of 40 pages and will usually be drafted in one of six languages.

vii) The Court may dispose of certain cases by way of reasoned order (without a formal Opinion) instead of by judgment. Early identification of such a case in preliminary ruling proceedings means that the reference is translated only into French.

viii) The case law is no longer subject to systematic translation and full publication in all official languages. The reduction in the translation load is appreciable.

In the field of technological advances going beyond the obvious use of computers, the following institutional innovations affecting efficiency can be cited. Procedural documents are exchanged between the Courts, on the one hand, and representatives of parties to proceedings and national courts requesting a preliminary ruling, on the other, through a secure online application called e-Curia.[172] The Court Reports have been published in digital form since 2010. Judgments are cited using ECLI (European Case Law Identifier), a unique identifier using uniform metadata.[173] Oral submissions are made by videoconference in a limited number of hearings. The Court has adopted an AI strategy.[174] An automatic translation tool, DeepLPro, has been made available to all who work at the Court. It can be used, for example, to translate annexes to pleadings, which are otherwise not systematically translated. An automated integrated case management system (SIGA) is being prepared. A platform for internal use, Curia AI Brain, offers those working at the Court a series of AI specialist assistants.

3. Language Management

a. Multilingualism

At the administrative level, the Court's services have adapted to the changed linguistic environment of the EU, in accordance with both the

172. See https://curia.europa.eu/site/jcms/qua1_6219/en/e-curia.

173. https://e-justice.europa.eu/topics/legislation-and-case-law/european-case-law-identifier-ecli_en https://curia.europa.eu/site/jcms/d2_5132/en/case-names-and-citations

174. See https://curia.europa.eu/site/upload/docs/application/pdf/2023-11/cjeu_ai_strategy.pdf.

mandatory language arrangements maintained by the Member States and the Court's chosen language of judicial deliberation and drafting.

In response to an increase in workload, the language services, like the Judges, have increased their capacity, where permitted by the budgetary authorities, and focused on improving efficiency. The 2004 enlargement again served as a catalyst. As the number of official languages and potential languages of cases rose, new translation units and interpreting booths were established. In order to manage the growing number of language combinations, a "mixed" translation system has been in operation since 2004. Wherever possible, and always into French, there is direct translation between source and target languages. However, in the majority of cases involving languages added from 2004 onwards, translation in both directions is effected via five predetermined "pivot" languages.[175] This results in an egg timer model of language management, under which the non-francophone, non-pivot translation units need to cover only six source languages, including French. By analogy, interpreting is sometimes by relay (via a third language), or indeed by retour (*out* of the interpreter's first language).[176]

The efficiency measures taken at judicial level have successfully curbed the growing demand on the language services. Nonetheless there is significant recourse to freelance translators[177] and interpreters. In addition, the Court's computer-aided translation now incorporates AI. Lawyer-linguists translate within a digitized translation environment where they have automatic access to preexisting official translations and proposed neural machine translation into their target language.[178]

b. Use of English

There has been some official recognition by the Court of the rise of English within the EU and of the importance of English to users of the public service of EU justice, to candidates for recruitment, and to the other EU institutions.

175. These are English, German, Italian, Polish, and Spanish, the languages of the former and current "permanent" Advocates General. For example, the English-language translation unit is responsible for translating documents from Lithuanian, and the English version is then the source document for the other units.

176. For full details, see Lefèvre (2023) 83-91.

177. Forty-two percent of translation was outsourced in 2021, Lefèvre (2023) 72.

178. See Susan Wright, "Artificial Intelligence in legal translation at the Court of Justice of the European Union", 14 *JLL* 120 (2025), 126-129. On the Court's support tools for translation and interpreting in general, see Lefèvre (2023) 127-142.

As regards recruitment, knowledge of English has recently been required in addition to French for administrators working in the human resources department and accepted instead of French for their assistants. In that context English is recognized as a "working language" at the Court, and not only a common language for personal and informal communication.[179] Similarly, a call for applications posted in autumn 2025 for a legal assistant to work with a General Court Judge required candidates to be "completely professionally competent in both English and French". The text stated that "the deliberations of the General Court are currently conducted in French and English" and the "working language" of the Judge's chambers in question is English. Exceptionally, French was not required as a source language of translation in the lawyer-linguist competitions occasioned by the 2004 enlargement or at the end of the Irish-language derogation.[180]

As regards access to Court documents, there is some tacit acknowledgement of the needs of a target audience more likely to understand English than French. The Court's website policy suggests that where multilingual dissemination of information is not possible, but one language version can be made available in addition to French, the English language is chosen for the second version. This is true of research notes (drafted in French). Where press releases are disseminated in only a limited number of languages, it appears that English will be available if French is not. Certain documents to be published in twenty-four languages are made available as a matter of priority in English. This is true of the Court's *Annual Report 2025—The Year in Review* which was posted on Curia before the end of March 2026 in only French (the language of drafting), English, and German. Certain documents (drafted in French) must be translated into English as a matter of priority so that they can be examined by the other institutions. This is true of draft amendments to procedural texts, such as the Rules of Procedure, even though all the other language versions must also be produced later. Other documents intended for other institutions are translated only from French into English. This is true of budget documents and the Court's management report. The Court's AI strategy document is a rare and apparently unique example of a Court document made available on Curia only in English.

179. "These two languages are essential for drafting and processing administrative documents, coordinating between services and engaging in interinstitutional exchanges", in permanent call for applications CJ AP HR_PERM published in December 2025 https://curia.europa.eu/site/jcms/p1_1000069200/en/hr-administrator/assistant.

180. Lefèvre (2023), 82.

As regards drafting Court documents, a large number of non-anglophone Advocates General choose English as their language of expression where their first language is not one of the six agreed upon with the translation service.[181] Their choice will reflect their own language competence, the linguistic profile of the staff they recruit to assist in drafting, and the language of the academic literature and other sources used for their Opinion. Where English is not the language of the case and translation of the Opinion into English would not have been mandatory for the day of the Opinion's delivery, the decision to draft in English will ensure that the English-language version is immediately available upon delivery, so that it has maximum impact and is read more broadly.

C. Scrutiny

Language and language practices are a sensitive issue, but the prospect of the 2004 EU enlargement brought it into sharp relief: it was not clear how, or even whether, the Court would cope. French was neither the first nor the second language of many or any of the ten new Member States. How would the newly appointed Members from those countries manage in deliberation or even be identified? Would they be able to find new legal secretaries from their own countries who could draft in French? Would lawyers from those countries be able to draft research notes in French? Would there be interpreters who could work from and into French in respect of the nine new EU official languages? How would some twenty lawyer-linguists be successfully recruited to each of the nine new translation units?

There was evidence of judicial concern within the institution and even self-doubt prior to the 2004 enlargement. The President of the Court of Justice wrote of the jurisdictional and administrative challenge. Judge Sevón presented 2004 as a strain on multilingualism.[182] The President of the Court of First Instance was "anxious" in advance of the arrival of the ten new Judges "from the former Eastern bloc countries".[183] The question was not only would they cope, but would they accept the continuing use of French as the language of deliberation and drafting?[184]

181. "Advocates General from Northern, Central and Eastern European Member States in particular draft many of their Opinions in English", Krenn (2022) 153-4 with examples. The language of drafting is indicated in a footnote to each Opinion.

182. "If and when these States accede to the Union, the problems caused by the language regime will multiply", Sevón (1998) 933.

183. Vesterdorf (2019) 262.

184. Ibid.

The Court's way of dealing with those concerns was to take some fairly drastic measures to reduce demand, affecting multilingual access to the case law, and to wait for the new Judges to rise to the challenge and adapt to the Court's linguistic ecosystem.[185] In spite of the evolving language profile of the EU, the Members and the staff of the CJEU, the high proportion of English-language cases brought before the General Court, and a change of practice in the other EU institutions, the Court did not seize the opportunity presented by the 2004 enlargement to address the radiating and exacerbated impact of its choice of language for judicial deliberation and drafting. The Court seems not to have discussed the matter.[186]

The fact that the French language retained, even after 2004, its pole position within the Court's egg timer model of case management is responsible for much of the literature cited in this Article. Calls for reflection have been made by serving and former Members of the EU judiciary, usually in extrajudicial commentary, Court staff writing in their personal capacity, and academics. Some observers of the current regime express concern over the impact of French influence, or domination, at the Court, whilst others focus on the need for ever greater efficiency in delivering EU justice. Eventually the question attracted attention at institutional level.

In February 2016, the then President of the General Court made a move. He addressed a note to the Court of Justice's Registrar to request an impact assessment and a cost-benefit analysis on the possibility of extending the language of deliberation in the General Court to languages other than French.[187] Whether the assessment was to be language-neutral or specific to English is not clear. However, the high percentage of English-language cases brought before the General Court was clearly the catalyst.

In 2017, the European Court of Auditors examined whether the CJEU had assessed if there was any efficiency gain in case handling potentially resulting from a change of its language practices, since "language practices directly impact on the judicial activity of the CJEU". The audit report noted that the impact assessment requested by President

185. "Those of them who felt it necessary, or at least useful, undertook intensive lessons in French", ibid.

186. Schiemann (2015) 565 was never present at any serious discussion between 2004 and 2012.

187. Responsibility for the Court's services, which are shared between the Court of Justice and the General Court, lies with the Registrar of the upper court. Schiemann (2015) 574 had proposed such an evaluation for the Court (as a whole it seems).

Jaeger had not yet been finalized "because of the uncertainties related to the outcome of the Brexit process". The Court of Auditors thus encouraged the CJEU to complete the cost-benefit analysis and issued a formal "consideration for further improvement" in case management to that effect.[188]

The Court of Justice's reply to the Court of Auditors is revealing. "The choice of the language used for *deliberation* depends on a number of factors and is determined by considerations of efficiency. The Courts will continue their discussions on this subject in the context of their *judicial autonomy*, taking into account the observations made by the Court of Auditors".[189] It appears that the Court of Auditors had made the mistake of questioning the language chosen for judicial *deliberation* in secret, a taboo immune to review, and had not referred sufficiently clearly to the language of *drafting*, which has operational and financial implications for the entire judicial institution. The response demonstrates a certain reluctance on the Court's part to acknowledge the extensive impact of its choice of language of deliberation and drafting and to engage with critical review. The rule of law requires respect for judicial independence, certainly, but the cultural bubble in which organizations tend to function cannot be impermeable when it relates to a judicial system designed to serve the public. This is a matter of legitimate inquiry beyond the circle of Members, when a judicial choice has a demonstrable impact on the accessibility, efficiency, quality, and delivery of a public service. The Court's performance and expenditure are rightly scrutinized by external bodies.[190]

In 2018, the European Parliament communicated its concerns in the context of the General Court reform to double the number of Judges. It was pleased to note the request made by the General Court in February 2016 but also noted that the impact assessment had not yet been finalized. It thus asked the CJEU to examine the possibility of extending its language of deliberation, particularly in the General Court, to languages other than French.[191]

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188. European Court of Auditors, *Performance review of case management at the Court of Justice of the European Union* (2017), https://www.eca.europa.eu/Lists/ECADocuments/SR17_14/SR_CJEU_EN.pdf, paras. 21, 86, 89, 98(E). It is this report that revealed to the public the fact of President Jaeger's request.

189. Point E on para. 98 in the replies of the CJEU included at the end of the Report (emphasis added).

190. The benefits and drawbacks of such scrutiny are addressed in Jaeger (2019) 102 et seq.

191. Resolution (EU) 2018/1324 on discharge of the Court's budget for 2016, observation 54.

Since that time there appears to have been a decline in official scrutiny by the other EU institutions of the Court's use of the French language. The question remains, however, the subject of academic scrutiny and a topic of speculation at the Court.

V. ALTERNATIVES

In 1952 French was a practical and rather obvious choice as the common language of deliberation for the seven original Judges of the ECSC Court drawn from six postwar western European states belonging to the Romano-Germanic legal tradition. In 2026 it is unlikely that the same collective choice would be made by today's EU Judges from twenty-seven Member States with their more diverse legal cultures and linguistic expectations. However, the Judges of today's EU Courts are not making a free choice: they work within an established institution with a developed linguistic ecosystem. The question is not "what would we have done?" but rather "where do we go from here?" Should the status quo be maintained, or would a change be wise or indeed rational?

Alternatives to the conventional use of French at the CJEU are not considered at any length by most EU lawyers. The internal language arrangements, if mentioned, are usually presented as a simple matter of fact. Those who do question the current language regime tend to disagree on the key questions of *why* change is necessary and *how* it should be effected. Some are motivated by a quest for greater efficiency in the handling of cases whilst others seek to promote quality, greater openness, and accessibility; some are reacting against a self-perpetuating linguistic ecosystem centred on French whilst others are directly promoting the use of English. Some favour a big-bang shake-up, and others propose gradual change over time. Without the benefit of the neutral cost-benefit analysis requested, the alternative models proposed can be grouped under the following headings, ranging from the most to the least radical.

A. The Political Solution

It would be possible to modify the mandatory language arrangements applicable to the EU institutions and thereby simplify the management of multilingualism at the CJEU. If the EU followed the example of the European Court of Human Rights (ECHR), for example, the official working languages of the Court would be French and English, all proceedings would be conducted in those two languages, and judgments would be published by the Court in only English and French. If a less radical approach were taken, proceedings might be permitted in

one of the three traditional "working languages" of the other EU institutions, English, French, and German, or one of the six languages known to all the Court's translation units, and judgments could be published in those languages alone. These alternatives are rarely put forward, because the Member States continue to espouse the values of linguistic diversity and the rule of law. They defend the equal status of all EU official languages and thereby ensure access to justice and the law without language being a barrier.[192] Without the unanimous approval of all Member States, the mandatory language arrangements will not be changed.

The political solution outlined goes far beyond what the CJEU can achieve alone. By contrast, without the approval of the Member States, and without any change to the mandatory language arrangements, it is possible for the Judges of the EU Courts to modify unilaterally their own judicial convention. French does not have to be the single language of deliberation and drafting in the two Courts.

B. A Different Single Language of Deliberation and Drafting

The most widely debated proposal consists in preserving a *single* language of deliberation and drafting but using a language other than French. The alternative language most commonly proposed is *English*.[193] The two aspects of the model must not be conflated, and the advantages of a single "working language" will be considered below in the context of the proposal to have more than one.

1. Why English?

Arnull has proposed that "the draft judgment would be produced in English and proofread for consistency and correctness in the usual way by an anglophone lawyer."[194] The potential benefits of a switch from French to English can be categorized as follows.

First, the pool of talent from which Members could be appointed would be enlarged by removing an unnecessary constraint. The Court "should comprise the best jurists willing to serve on it", and the language

192. Maintaining EU multilingualism is "crucial to ensure effective implementation of the EU law across Europe", Skouris (2019) 254.

193. A suggestion thought indelicate and counter-productive when sitting as the U.K. Judge, Schiemann (2015) 565. English should be "the unique working language" of all EU institutions, Schilling (2015) 105-8. Professor Schilling was a German-language lawyer-linguist at the Court for some twenty-five years.

194. Arnull (2018) at 916. Less comprehensive analyses and more scattered references can be found in the extrajudicial writings of former and serving Members of the EU Courts.

"most likely to be spoken by potential candidates" is English.[195] Substituting English for French would increase the possibility of "persuading the best qualified in the whole of Europe to become Members of the CJEU or legal secretaries".[196] "In principle, we could expect the quality of the people chosen and of their work to improve".[197] The same arguments apply by analogy to Court staff in general. The number of EU citizens who could work in English is quite simply larger than the number with knowledge of French or the apparent desire to learn French.

Second, given their greater ease in English, Members would be able to contribute more effectively and "robustly" to deliberations. "The number [of Judges] able to articulate their ideas fluently would rise. This would break the intellectual domination of French legal thinking lamented by Bobek and make it possible for a wider range of approaches to be considered."[198] "It would enable the perspectives of non-francophone judges to be better reflected in the judgments of the Court."[199]

Third, unlike French, English has since Brexit become a neutral, apolitical language within the EU, a new Esperanto, which is no longer the sole official language of any Member State.[200] "The UK's withdrawal from the Union . . . may help to de-politicise the issues and focus attention on the merits (and demerits) of the idea."[201]

Fourth, freed of ties to the legal systems of the United Kingdom, English would provide a neutral vehicle for taking account of legal concepts from any of the twenty-seven national legal systems. "The aim would not be to replace French legal method with English legal method, but to enable the Court to work in a language that would permit greater account to be taken of the full range of legal traditions represented within the institution."[202] The use of English could "help the Court to produce

195. Ibid at 918-9.

196. "*De persuader les mieux qualifiés dans l'Europe entière de devenir membres de la Cour ou référendaires*", Schiemann (2015) 574.

197. "*Donc on pourrait, en principe, s'attendre que la qualité des personnes choisies et de leur travail s'améliore*", ibid at 572.

198. Arnull (2018) 913-4.

199. Ibid at 918. Also Schiemann (2015) 570. Just as French was useful in the 1950s in deliberating on the ECSC Treaty, it would now be helpful to deliberate on legislation in the language of drafting, Krenn (2022) 152.

200. *The Economist*, April 23, 2016, "English becomes Esperanto", https://www.economist.com/books-and-arts/2016/04/23/english-becomes-esperanto. Attachment to Irish and Maltese is evidenced by the two Member States' readiness to work on their translation capacity during their respective derogation periods.

201. Arnull (2018) 913.

202. Ibid.

judgments reflecting not just one legal tradition but all those represented among its members".[203]

Fifth, there would be speedier and more cost-effective resolution of English-language cases, particularly before the General Court. The question is of "real importance" because the cost of translation in money and time is "enormous", particularly with respect to the documentation before the General Court which is "much more voluminous" than that before the Court of Justice. In budgetary terms the number of pages to be translated is "more important than the number of cases". Given the "modern tendency" to use English as the language of the case, the burden of translating pleadings could be markedly reduced by "a more appropriate choice of working language".[204] "Assembling case files in English instead of French would be of particular benefit in large competition cases":[205] the contested Commission decisions are in English, the companies operate in English, the stakes are high, and time is money.

Sixth, the technical language used in English-language proceedings would not need to pass through the prism of the French language on its way between pleadings and judgment. In areas such as computing, where much of the (academic) literature is in English, such language could be used directly in judgments even where the language of the case was not English. The Microsoft case was an acute example of proceedings in which terms in French had to be coined in order to accommodate the language of drafting judgments.

Seventh, the impact of the selective publication policy would be reduced. Since English is more widely understood than French, even the case law made available only in the language of the case and the language of deliberation would be accessible to a greater number of readers throughout the EU and beyond.

2. Objections

Objections to the substitution of English for French are often expressed only orally. When written, they are generally presented succinctly and sometimes without explanation, as a self-evident truth: the status quo does not need to be justified.

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203. Ibid at 916.

204. "*Une importance réelle*", "*énorme*", "*beaucoup plus volumineuse*", "*la tendance moderne*", "*un choix plus adapté de la langue de travail*", Schiemann (2015) 573-4.

205. Arnull (2018) 915. He cites T-201/04 *Microsoft v. Commission*; T-111/08 *MasterCard v. Commission*; T-587/08 *Fresh Del Monte Produce v. Commission*. Three, four, or five years elapsed between the year of bringing the case and the year of the judgment.

First, there is an ideological or sentimental attachment to, or pride in, the fact that the CJEU is the "last bastion" of the French language at the EU level. The extinction of this linguistic bastion would spell the beginning of the end for francophone domination or, less polemically, influence. The very "identity" of the Court and its case law depends upon maintaining French as the "working language", the common language made up of fixed expressions (*formules*), labels, and terminology which would have to be completely rethought in the event of a change.[206] President Lenaerts asserts that the inherent characteristics of the French language make it more suitable than English for writing EU judgments. French is lauded for its rigour, concision, and clarity.[207]

Second, disappointment is expressed in the type and quality of English evident in some of the (legislative) texts produced by the other EU institutions and in the written submissions of some non-anglophone legal representatives who have been chosen by the parties in English-language cases.[208] There is a concern, or even fear, that the CJEU would produce judgments in ersatz English, sometimes called "Eurish". And what would be the source of the English? Which English would be used?

Third, a linguistic breakdown of the cases brought before the two EU Courts reveals that English is not necessarily the logical, proper, or only choice if French is to be abandoned as the "working language". Although at least three times more cases are brought before the General Court in English than in German, more cases are brought in German before the Court of Justice than in English.[209] Even though Brexit has had little impact on these figures, it is difficult to predict how the partial transfer to the General Court of preliminary ruling proceedings will affect them. Why should the tail wag the dog?

Fourth, concerns are expressed about the ability of current Members, their *cabinets* and other staff to work in English. This is said to be one of

206. Clément-Wilz (2020) 725. Schiemann (2015) 572 acknowledges the difficulty of a switch.

207. Lenaerts (2021) 7; Mancini and Keeling (1995) at 398. These are the "linguistic-cultural" reasons, Bobek (2015) 309.

208. See European Court of Auditors, *Misused English words and expressions in EU publications* (2016), https://eca.europa.eu/other%20publications/en_terminology_publication/en_terminology_publication.pdf.

209. In the General Court from 2020-2025, there was a total of 3,680, including 445 in German and 1,470 in English; and in 2025 alone, there was a total of 850, including101 in German and 412 in English. In the Court of Justice from 2020-2025, there was a total of 3,208, including 587 in German and 448 in English; in 2025 alone, there was a total of 796, including 126 in German and 112 in English. Using the research method explained in Part IV.A on April 21, 2026. The proportion of preliminary ruling requests from German courts has been consistently high.

the reasons why the switch from French to English has not taken place.[210] Reference is repeatedly made to the long-standing difficulty, even pre-Brexit, of recruiting English-language lawyer-linguists.[211] The geographical situation of the Court is also cited.

> The Court is situated in a country with two French-speaking neighbours and of which French is an official language. This implies that it is easier to recruit staff for many of the supporting services of the Court amongst French speakers than English speakers. The Judges must be able to communicate with the staff.[212]

Fifth, there would be a "loss of coherence" in the case law, apparently because there would be no single language version of reference over the entire lifetime of the institution, no complete body of case law in one language, namely French.

Sixth, the alleged hegemony of "Continental" legal thinking and culture would or might simply be replaced by another hegemony, that of Anglo-Saxon, or even Anglo-American common law thinking.[213]

Seventh, given the radiating impact throughout the Court of the Judges' choice of French as the language of deliberation and drafting, a switch to English would necessitate an overhaul of the institution's entire linguistic ecosystem. A "sudden switch" would lead to "real organisational difficulties".[214]

3. Analysis

a. The Relative Merits of the French and English Languages

If preserving the identity of the Court depends upon maintaining French as the "working language", the Court's identity would apparently be put in jeopardy if any change were made. It might be suggested that the Court's identity should rest on its record in delivering substantive EU justice and not on any language of expression in an institution which emphasizes its attachment to multilingualism.

Arguments based on the perceived quality of a language are "inherently problematic". "Clarity, like beauty, is in the eye of the beholder, and each language is appropriate and virtuous in its own way".[215] "The importance of French in the EU is thus due to the historical

210. Schiemann (2015) 572.
211. Schiemann (2008) 10, (2015) 573; Jacobs (2004) 827.
212. Schiemann (2008) 10.
213. A question raised in Clément-Wilz (2020) 722.
214. Jacobs (2004) 827. The "pragmatic-operational" reasons, Bobek (2015) 309.
215. Derlén (2018) 347.

development of the Union, rather than any particular quality of the language."[216] Lenaerts' claim that French is somehow superior to English in the context of EU judgments will come as a surprise to lawyers working in international courts where English has been chosen as a common language or in national courts where English has been the language of the law and legal expression for centuries, and also to international litigants forum-shopping in favour of English (language) jurisdictions.[217]

In the event of a switch, Court English would simply replace Court French, which is already a construct, a dialect different from the language of the francophone Member States.[218] Just as Court French is not the language of Richelieu, as is often repeated, Court English would not be the language of Shakespeare (if a British reference is still permitted). Stock phrases and elements of "Lego English" would simply take over from the formulaic language of today, which happens to be in French. "Euro-English" is "a dialect fluently spoken by a large group of people who understand each other perfectly well".[219] Ironically, worries over the source of English for EU judgments take apparently little account of the fact that an official English-language version of EU case law, based on extensive terminological work, has been produced within the CJEU itself since 1973.

It might also be helpful to remember the second European court sitting in Luxembourg, the European Free Trade Association (EFTA) court. In that court all proceedings are in English, in direct actions the judgment is rendered in English only, and advisory opinions are rendered in English and the language of the requesting court. English is not the official language of any of the countries subject to the court's jurisdiction.[220]

b. Caseload

We must be vigilant about the comparators used in arguments based on statistics. Like must be compared with like. If we consider English-

216. Ibid.

217. See Schilling (2015) 106.

218. Schilling (2015) 107.

219. The Economist (2016). "The disconnect between 'Euro-English' and native English is not a new phenomenon, nor is it exclusive to English. … [E]very official EU language exists in two varieties, the native version and the EU version", Derlén (2018) 349. See language advice from the European Commission, e.g. *Claire's clear writing tips* https://www.alpine-space.eu/wp-content/uploads/2025/03/clear_writing_tips_en.pdf.

220. Iceland, Liechtenstein, and Norway, the EFTA States party to the European Economic Area (EEA) Agreement, https://eftacourt.int/the-court/.

language cases as an absolute percentage of caseload, the argument is used against English in the Court of Justice and in favour of English in the General Court. If, however, we consider the relative proportion of caseload in each language, the argument in favour of switching from French to English is more convincing.[221]

Consideration should also be given to the tipping point at which the tail grows to such a weight that it should probably be allowed to wag the dog. As Schiemann pointed out, the weight is not determined only by the number of cases but by the volume of documentation at issue.[222] This consideration feeds into the assessment of two internal working languages in parallel, considered below.

c. Skills and Recruitment

There is a conflation of two different questions in respect of the language competence required of Members and staff. The confusion allows limitations and vested interests within the current system to determine a potential future. Arnull is robust in his rebuttal: the problem of recruiting English-language lawyer-linguists "should not be allowed to frustrate a reform that is otherwise considered desirable".[223] In addition, the difficulty identified, though real, is not insurmountable and may not be as relevant as first thought.

As regards translation:

> a) It is not essential that the comprehensive language cover of today's French-language translation unit be borne under the new language arrangements by one single English-language unit as defined under the current organizational model. Although it is not conventional in the Court, it would be possible for lawyer-linguists to work *out* of their first language.[224]

221. See the way statistics are used in van der Jeught (2019) at points 14-15.

222. Schiemann (2015) 574.

223. Arnull (2018) 915.

224. A solution envisaged by Schiemann (2015) 572-3, and a pragmatic approach already adopted for Maltese and Irish, technically pivoted by English. Under the alternative model, the English-language unit would not need to grow as large as the current French unit; advantage would be taken of the English knowledge present amongst non-anglophone lawyer-linguists, and there would be inherent flexibility in the system. In response to the quality counter-argument, it can only be noted, with some irony, that retour interpreting, out of one's first language, is routinely practiced in the courtroom by non-lawyers, and that the Judges and legal secretaries of all Member States systematically draft even judgments in French.

b) The amount of additional translation into English must be calculated with care. Although there would logically be more in the translation of pleadings from languages not understood by the Members, and particularly in non-English language cases, there would clearly be less in English-language cases. Where those cases make up a significant proportion of a jurisdiction's caseload, the savings would be tangible.

c) The recruitment pool for English-language lawyer-linguists has been redefined since Brexit. Since the selection criteria were adapted it now includes lawyers trained in Malta (where law is studied through English). Access would be further opened up if the approach based on functional equivalence as required by case law were more fully implemented.[225]

d) It is not certain that lawyer-linguists will in future devote all their time to legal translation. At the Registrar's request, the future of the translation service is under review in the light of the impact of AI tools on translation. If English-language staff are to undertake new roles, why not in drafting or reviewing judgments?[226]

As regards other "English-language" staff, the recruitment pool is not the same.

a) Legal secretaries able to draft in English would not be drawn from the same pool of talent as that for English-language lawyer-linguists. The latter are required to have a "perfect" command of English, that is, to be anglophone, whilst the former, drawn from all Member States, would, or should, be able to rely on readers of judgments, just as they do under the current system. Lawyer-linguists are usually recruited via competitions providing for permanent posts, whereas legal secretaries are frequently temporary staff whose recruitment can be swifter and respond to changing requirements.

b) Since "English-language readers of judgments" and legal secretaries drafting in English would be entirely new posts which potential candidates had not hitherto envisaged, there could be a transitional period analogous to that applied to the full use of Irish and Maltese, precisely on the ground of insufficient language resources.

225. Case T-713/20 *OQ v. Commission* now cited in open competition notices.

226. See Wright (2025) 130-138 on the future of AI in legal translation at the Court.

c) The changing profile of today's Europeans, who enjoy freedom of movement throughout the EU, should not be overlooked or underestimated. To become an EU official, a candidate must have the citizenship of an EU Member State, but citizenship is not entirely reflective of language profile. Young Europeans are more often bilingual and binational, as a result of their parentage or country of residence, and they are choosing (law) degree courses delivered in more than one jurisdiction or outside their country of residence. The Latvian who studied law in Ireland, Malta or the U.K. (pre-Brexit) cannot (currently) become a Latvian-language lawyer-linguist but can aspire to be an English-language lawyer-linguist. Such candidates might also become English-language readers of judgments, or legal secretaries drafting in English, even perhaps where they had studied (EU) law through English outside an anglophone Member State.

As regards "support staff", who often commute (for economic reasons) the short distance from their family homes in Belgium, France, or Germany, we must be careful in our arguments.

a) The Court must strive for "geographical representation" in its staffing. This is an EU institution and not a national embassy recruiting "local staff".

b) It is not clear from the statistics that today's and tomorrow's local Francophones would be unable to work in English.

c) Staff commuting from nearby Germany are more likely to offer English than French.

d) Luxembourgers are famously and demonstrably multilingual.

e) The argument is in danger of becoming circular: Judges have to speak French because the support staff do, but support staff have to have French to be recruited ….

d. Coherence

The argument as to a loss of coherence again conflates objections to a switch away from French altogether, and objections to the simultaneous existence of more than one "working language".

In general, loss of coherence in case law suggests that vehicular language has greater influence than content and appears to deny the rule that the "authentic" version of a judgment is in the language of the case.

Substantive coherence is already an issue, which is caused by the very fact that there is more than one EU Court, cases are usually decided by Chambers of only three or five Judges rather than all the Judges of one Court together, and there is no formal doctrine of precedent. This risk explains the role of the Court of Justice weekly general meeting of all the Members,[227] the role of the Vice-President of the General Court,[228] the role of the First Advocate General in proposing "review" of General Court judgments by the Court of Justice,[229] the use of larger formations of each Court in important cases, and the very existence of an appeal mechanism against General Court judgments.

As to linguistic coherence, the devices used under the current regime would be developed for English (templates, models, readers of judgments, etc.). If there is an absolute insistence on linguistic coherence over time, in the form of the same drafting language, then French can never be abandoned. The status quo is inviolable and the system is by definition eternal.

e. Legal Culture

Commentators are not unanimous in believing that there is indeed a hegemony of French or even "Continental" culture and thinking at the Court. The work of the research and documentation service, the Court's own comparative law workshop, should mitigate against it. Nonetheless, if cultural domination does result from the choice of deliberation and drafting, English may pose less of a danger than French.

Cohen argues that, compared with French, "fluency in English is more likely to be disconnected from acculturation in a particular legal system".[230] "The majority of fine lawyers around the world speak English without necessarily having been socialised in the Anglo-American legal tradition."[231] This is borne out by the fact that using the English language for drafting has not led to the hegemony of English legal concepts and

227. The meeting "during which the Judge Rapporteurs present their preliminary reports of cases being prepared for oral hearings, allows for a certain degree of coordination", Vesterdorf (2019) 268.

228. Ibid at 269: the General Court has "charged the Vice-President with the task of developing legal analysis of the Court's case law with a view to ensure coherence".

229. See Article 62 of the Statute: cases provided for by Article 256(2) and (3) where the First Advocate General considers that there is "a serious risk of the unity or consistency of Union law being affected".

230. Cohen (2016) 510.

231. Ibid. "Whether it is possible to create a neutral legal English, divorced from national culture, depends on one's fundamental view of language", Derlén (2018) 349.

thinking in EU legislation.[232] The argument has become stronger since Brexit.

f. Linguistic Ecosystem

Any argument against change in a system which emphasizes the costs involved in change itself gives priority to short-term thinking and favours maintaining the status quo, come what may. Even though the CJEU is akin to an oil tanker which finds it difficult to change course, and even though lawyers collectively are notoriously reactionary (in the sense of conservative), the institution has shown itself capable of adapting to changing needs and realities (Part IV.B). "There is nothing new in the [General Court] meeting the challenges posed by change—change is in its very bones".[233]

C. More Than One Language of Deliberation and Drafting

Those who suggest adding a second language of deliberation and drafting most often refer to English. Specific arguments relating to English have been considered above. Here we outline the arguments for and against a regime based on more than one language.[234]

1. Why?

The European Court of Auditors acknowledged that any consideration of a change in language practices had to be "balanced against the advantages accruing from continuing to use French as a single language of deliberation", and that "there are both advantages and disadvantages to the current regime whereby French is the language of deliberation and the de facto working language of the institution." Nonetheless, they noted that "a significant share of cases referred to the CJEU, and particularly to the General Court, had English (28%) or German (20%) as procedural language, as compared to those in French (13%)".[235] They found that if English and German were used in deliberation, particularly in the General Court, "internal notes, preliminary reports, judgments and orders could be drafted directly in those languages. Furthermore, a certain number of procedural documents

232. Pennara (2015) 145. On the nature of the English used in the Brussels EU institutions, see chapter 5 of Nils Ringe, *The Language(s) of Politics: multilingual policy-making in the European Union* (2022), entitled '"EU English" and depoliticization".

233. Collins (2011) 78.

234. Arnull (2018) at 914-916 on "one working language or more".

235. These percentages relate to cases before the two EU Courts combined.

submitted in these two languages would not need to be translated into French."[236] The potential impact would be to improve efficiency in case handling.

2. Objections

Although adding a second language of deliberation and drafting would reduce the impact of French and its associated disadvantages, and it would introduce some of the advantages associated with switching from French to English, this model of more than one "working language" seems to be the least popular. Even those Members and other commentators who see a need for change are generally strongly opposed to it. Schiemann had not yet met anyone in favour of using more than one working language and Lequesne reported that the General Court was against it.[237]

First, it is clear to those who have worked at the Court that a "one-language regime . . . considerably simplifies practical life".[238] A common language is "a practical necessity for day-to-day work" and communication between Members.[239] Not only is the system more efficient and less cumbersome without the involvement of interpreters and translators in oral or written deliberations, it also "facilitates the formation of an *esprit de corps*".[240]

Second, a single language promotes coherence in the case law and legal certainty.[241] "Quite a number of legal concepts, despite the same name, do not necessarily cover the same legal situation in each language".[242] This argument is used by the Court itself, which refers to "the avoidance of possible divergences between the legal concepts used in each of the languages chosen as language of deliberation, and the consistency by reference to previous EU case-law".[243]

236. European Court of Auditors (2017) paras. 21, 86-9, 96.

237. Schiemann (2015) 571; Lequesne (2021) 55-6. Lequesne's listed witnesses from the General Court were President van der Woude and Judge Mac Eochaidh.

238. Vesterdorf (2019) 261. Also Jacobs (2004) 827.

239. Lenz (1988) 5-6, to permit an even distribution of cases between reporting Judges and between Advocates General that does not depend upon language, and to enable deliberations of the full Court in particular.

240. Mancini and Keeling (1995) 398.

241. Lequesne (2021) 55. On the potential threat if particular formations of Judges routinely used one language or the other, Arnull (2018) at 915.

242. Vesterdorf (2019) at 261.

243. As reported in European Court of Auditors (2017) para. 88.

On the other hand, "a dual-language system would present real organisational difficulties" and be "fraught with problems".[244] "The simultaneous use of two languages does not seem to work entirely smoothly in other international courts" such as the ECHR or the International Court of Justice.[245] Use of more than one language would impose "a greater burden" on Judges: they would need at least an active command of one language and a passive command of the other unless interpreters were allowed into the deliberation room.[246] It would be "unrealistic and even inappropriate".[247] "Such a requirement might force Member States nominating candidates for appointment to the Court to give priority to the linguistic skills of their nominees rather than to their legal skills."[248]

It is argued that it would be impractical for the General Court to use a different language, for example English, if the Court of Justice continued to deliberate in French.[249] In case of appeal, or at least in the event of an appeal, a judgment handed down at first instance in English would need to be swiftly made available in French, unless the Members of the Court of Justice were willing and able to use their passive reading knowledge of English and then to draft in French without the benefit of phrases and terminology already used in the Court below. A case file compiled in English at first instance would potentially need to be compiled afresh in French on appeal. If the General Court continued to pursue a vigorous policy of selective reporting, using the same criteria, judgments at first instance in at least seventy percent of cases would no longer be available in French unless it was the language of the case.

The impact on translation is also given attention. Using more than one language of deliberation would arguably increase time and money spent on translation.[250] General Court witnesses to the Lequesne inquiry agreed that adding a second "working language" would cause delays in handing down judgments and an increase in costs. Although there might be advantages or savings ("*gains*") in translation, they would not offset

244. Jacobs (2004) 827; Schiemann (2008) 10.

245. Arnull (2018) 914 referencing Cohen (2016). The ECHR drafts its judgments in French or English, or both simultaneously. "Very few judgments are now available in both languages", James Brannan, "Specificities of translation at the European Court of Human Rights: policy and practice", in Fernando Prieto Ramos (ed.), *Institutional Translation for International Governance* 170 (2018), 171.

246. "*Une plus grande charge de travail*", Schiemann (2015) 571. Arnull (2018) 915.

247. Sevón (1998) 943.

248. Ibid.

249. Schiemann (2015) 564-5; Arnull (2018), 915.

250. Schiemann (2015) 570-1; Arnull (2018) 915.

"the addition of a chain of translation" into the second language and the need to "synchronise it with the French".[251] If these arguments are understood correctly, the unease over adding a second language of deliberation derives from the assumption that in every case, documents, including written submissions and judgments, would systematically be translated into the two languages. The second language would be a net addition rather than an alternative.

The existence of more than one language of either deliberation or drafting could indeed be challenging for the organization of the translation service, even if the second language were not a net addition. Unless clear criteria for the use of one or other language were adopted and made known, the translation workload per language combination would be unpredictable. The Court's translation resources are language-specific and not fungible or interchangeable. Unless there were greater acceptance that in-house lawyer-linguists could translate *from* their first language, particularly working documents such as pleadings, or freelance translators were systematically available to absorb unpredictable volumes of work, or pure neural machine translation of legal documents were deemed acceptable, it would be difficult for the translation service to be sufficiently flexible to deal with the unpredictability of two "working languages".

Similar considerations apply to other staff in the Court. If there were more than one internal working language, there would logically be a need for two teams of readers of judgments working in parallel, and *référendaires* who could draft in more than one language or were specialized in one or the other. Unless a reading knowledge of French were required of Judges, research notes might be expected in more than one language. Logically interpretation would not always be required or provided from or into French in every hearing.

3. A Trojan Horse

In spite of the sustained general chorus in favour of maintaining a single language of deliberation, Krenn made an interesting suggestion in 2022. After considering Arnull's idea of a straightforward switch from French to English, he outlines the option of "introducing English as a second working language, notably to strengthen the capacity of non-francophone judges for effective and levelled argument".[252] He cites the

251. "*L'ajout d'une chaine de traduction*" and "*sa synchronisation avec le français*", Lequesne (2021) 55-6.

252. Krenn (2022) 135-6.

practice of several international and national courts working in more than one language to show that it can be done. He argues that "it would ensure a certain continuity at the Court and time for adaptation. English could be introduced slowly and incrementally".[253] The environment would gradually change. His model "would avoid the risk of creating a dominance of an Anglo-American legal culture at the Court".[254] He rehearses the benefits of code-switching if more than one language is used in deliberations. Referring to the Advocates General, he asserts that "there are already successful examples of bilingual decision-making" at the Court.[255] When given a choice between six languages of drafting, "many resort to English and French".[256] "Changing the working language of an institution is a major step that needs to be well considered and prepared. However, the practice of the Advocates General shows that such change might in fact come quite naturally."[257]

In truth, Krenn's plan for adding English alongside French amounts to a Trojan horse which will, in time, usher in a new single-language regime, in English.

D. A Hybrid Accommodation

Sevón wrote about the forthcoming 2004 enlargement of the EU, in full knowledge of the consequences of the recent accession of Finland and Sweden. He considered a number of possibilities in order to reduce the need for translation and thereby reduce the length of proceedings.[258]

Whilst it is possible to imagine a more relaxed acceptance of Members expressing themselves in different languages, without interpreters but with the assistance of modern technology, Sevón believed it "necessary" that French remain the language of deliberation.[259] Nonetheless, he suggested that judicial practice could be improved within that framework. His ideas highlight the distinction between the language of deliberation and the language of drafting: he did not see the use of French as one indivisible block.

As regards the phase of *instruction*, studying the case file, he suggests that pleadings should not be translated into French if they are drafted in English, "the only language" which all Members hearing the

253. Ibid at 152-3.
254. Ibid at 153.
255. Ibid.
256. Ibid.
257. Ibid at 154.
258. Sevón (1998) 948-50.
259. Ibid at 949. This belief is not explained.

case concerned might be capable of reading. As regards drafting working documents, he suggests that the reporting Judge could sometimes draft in the language of the case both the preliminary report and the report for the hearing. Submissions would not be translated into French and time would be gained. His model envisages having the two reports then translated into French to "provide the Reporting Judge with the terminology in French" for the purposes of deliberation. He suggests that the solution outlined would be "easier to achieve" in the General Court since the formation hearing and deciding the case is determined at an earlier stage than in the Court of Justice. If judgments continued to be written in French, Sevón proposed ways to modify the form of judgments and to improve readability.

A hybrid approach of this sort is now cited by some Members of the General Court as a way of *not* introducing English as an alternative or additional "working language". Some argue that it is simply unnecessary to allow deliberation and drafting in English in order to speed up the handling of English-language cases. Is neural machine translation, even without assistance from the translation service, not enough to clear any bottlenecks in translation between French and English? Judges and their staff can read pleadings in English and start work on the case—translation into French is needed only later at the stage of drafting the judgment.

E. The Status Quo

The least radical alternative is not only to maintain one single language of deliberation and drafting, but also to keep French as that language. In light of the impact of the judicial convention adopted in 1952 and of the strain imposed upon it in the twenty-first century, it is useful to identify those who support the status quo in the face of the alternatives proposed.

It is no surprise that the French authorities attach great importance to the value of the French language. Article 2 of the 1958 French Constitution itself proclaims that "the language of the Republic is French". The mission of the *Académie française* (French Academy), founded in Paris in 1635, is to defend the French language. The French Parliament receives an annual report, required by law, on the use of the French language in France and elsewhere.[260]

260. Law of August 4, 1994 on the use of the French language (the *loi Toubon*); Délégation générale à la Langue française et aux Langues de France, *Rapport au Parlement sur la langue française* (2025), https://www.vie-publique.fr/files/rapport/pdf/297896.pdf.

The French Government plays an active role in the promotion of French at EU level. In 2006, the Prime Minister of France endorsed a governmental *vade mecum* on the obligation for French officials to use French in relations with the EU institutions.[261] For its 2022 presidency of the Council of the European Union, France decided that one of its political priorities would be the defence and promotion of linguistic diversity and of the use of the French language. To that end, the Ministry of Foreign Affairs commissioned a panel of independent experts to carry out an inquiry covering language use within the EU institutions. The president of the panel warns against a simplistic perception of his report as "yet another final French attempt to replace the English language with the French language in Brussels!",[262] and the report does contain multiple recommendations on promoting multilingualism. Nonetheless, a principal concern that filters through is the growing use of the English language in the EU (institutions), "anglophone monolingualism" ("*le monolinguisme anglophone*").

The President of the Court of Justice is a vocal supporter of French as the single language of deliberation. When addressing the European Affairs Commission of the French National Assembly in 2021 he declared, as a Dutch-speaking Belgian:

> I am a Flemish person who defends the French language as the single working language of the Court—what more can you ask for? (*Smiles*.) That makes us distinct, in terms of identity, from the United States of America. I am extremely proud of the use of French as the internal language. Our entire legal culture and, in truth, our entire culture, are transmitted through languages other than English: the new *lingua franca* does not have the cultural richness necessary for drafting our judgments.[263]

It is interesting to discover that, as President of the Court of Justice, Lenaerts was echoing the words of a longstanding member of the French Academy. Maurice Druon had wanted the European institutions to

261. Prime Minister of France, *Le français dans les institutions européennes* (2006), https://ue.delegfrance.org/IMG/francais_dans_les_institutions.pdf?499/abe393191db23c1285c9e247325e6e5bf918464f.

262. "*Encore une ultime tentative française de remplacer la langue anglaise par la langue française à Bruxelles !*" Lequesne (2021) 25.

263. "*Je suis un Flamand qui défend la langue française comme seule langue de travail de la Cour—que demander de plus ?* (Sourires) *Cela nous distingue identitairement des Etats-Unis d'Amérique. Je suis extrêmement fier de l'usage du français comme langue interne. Toute notre culture juridique et, à vrai dire, notre culture tout court, passent par des langues autres que l'anglais : la nouvelle* lingua franca *n'a pas la richesse culturelle nécessaire pour la rédaction de nos arrêts*," Lenaerts (2021) 7. "*La Cour*" seems to mean the Court of Justice rather than the whole institution, but this is not clear, and we do not know whose culture is included in "our" ("*notre*").

recognize French as the language of the law and the language of the legal institutions. He had claimed that French, a precise and structured language derived from Latin, was better suited than other languages, particularly English, to translating the precision required of the law. His plea before the European Commission and Parliament in 2007 was unsuccessful.[264]

It is argued that the many Francophones working at the CJEU will tend to defend French as the working language by dint of "internal lobbying".[265] By logical extension, the vested interests of those who in fact decide on the language of deliberation and drafting will play a role in maintaining the status quo. Once you are a Judge and have the necessary command of French, perhaps after significant personal investment, and are hoping to be reappointed, why make your professional life more difficult?[266]

If we set aside the widely supported arguments in favour of a single language of deliberation and drafting, whatever it may be,[267] and the culturally partisan arguments in favour of French, we seem to be left with arguments that militate against change. The choice of French must be maintained in the interests of coherence. The system has worked for seventy years. The disruption caused by a wholesale overhaul of the linguistic ecosystem would outweigh any benefits. The status quo *should* persist because it is the status quo.

VI. INITIATIVE

At the beginning of 2025, the seventy-year-old judicial convention remained intact, and the Court remained the last bastion of French amongst the EU institutions. In spite of reported rumblings, it appeared that the status quo not only should, but *would* prevail for the foreseeable future, for a number of reasons. There is a certain fatalistic acceptance of the persistent use of French.[268] Discussion about language matters in any EU institution "raises a general outcry".[269] We are not starting with a clean

264. See Hélène Carrère d'Encausse (Academician, 1990 to 2023), *La langue française et l'influence de la France dans le monde* (2019), https://www.academie-francaise.fr/la-langue-francaise-et-linfluence-de-la-france-dans-le-monde.

265. "*Lobbying interne*," Clément-Wilz (2020) 726.

266. Acknowledged, without reference to turkeys voting for Christmas or Thanksgiving, by Schiemann (2015) 573.

267. "The use of French is fundamentally justified only by the existence of a single common language, whatever it may be" ("*l'usage du français ne se justifie fondamentalement que par l'existence d'une seule langue commune, quelle qu'elle soit*"), Clément-Wilz (2020) 725.

268. The practice is "for the moment unchanged and likely to remain so for the foreseeable future", Jacobs (2004) 827, and "probably always will remain", Vesterdorf (2019) 261.

269. "*Soulève un tollé général*" per Schiemann (2015) at 572.

slate, and there is a paralyzing lack of sufficient agreement on *whether* change would be a good idea, *what* any planned destination should be, or *how* to get from here to there. Each proposed model has pros and cons, and there has been no open or comparative impact assessment or cost benefit analysis. Since the choice of language of deliberation is a matter of "judicial autonomy", there is reluctance to engage with critical review on the subject. It is generally easier to do nothing, especially when it is not clear whether a projected longer-term gain will outweigh the short-term pain of altering the course of the ocean liner.[270]

Perhaps the level and pace of change set out in Part IV explain the need to cling to the familiarity of French. Maybe "the political sensitivities in play simply make reform impossible".[271] In the words of the President of the General Court, "as any other organisation, [the General Court] has its customs and traditions resistant to change. Building the consensus that allows an organisation to overcome this natural inertia is in my view a far greater art than simply writing learned opinions and legal masterpieces."[272]

And then something happened.

A. The First Public Sign of Change

In June 2025 an unprecedented job advertisement appeared on the Court's Curia website in English and French.

"Call for applications No CJ AP 25/25" read as follows:

> A position for an English-language reader of judgments (*lecteur d'arrêts*) will soon become available in the chambers of Mr van der Woude, President of the General Court of the European Union.
>
> The reader of judgments works for all the chambers [*cabinets*] of the General Court. The reader conducts linguistic and formal review of draft judgments or orders. He or she submits proposals for amending or strengthening the structure of these drafts, drafting certain points [*points*] in an alternative way, deleting certain developments [*développements*] and inserting additional or substitute reasons [*motifs*].

270. "The system is such that the difficulties attendant upon making changes mean that things change only slowly", Schiemann (2008) 18. Ringe (2022) 45 on the "mutually reinforcing reasons" for the continuing use of French, which include "the insulation of the Court in Luxembourg from the day-to-day politics of the EU and the interactions of the other institutions therein".

271. Arnull (2018) 904 phrased this as a question.

272. van der Woude (2019) 279.

> The duties to be performed require a full legal education certified by a university degree in law.
>
> Professional experience relevant to the various matters dealt with by the General Court and/or experience in the exercise of judicial functions are required.
>
> An excellent knowledge of English and French is essential.
>
> This position will be filled either by the secondment of an official in the interests of the service or by the engagement of a temporary agent.
>
> Candidates interested in this position are invited to submit their application via the EU CV Online portal by following this link https://curia.europa.eu/ apply before 14th July 2025 at 17.00 (Luxembourg time).[273]

This was the first time in the history of the institution that an *English-language* reader of judgments was to be appointed. And yet the call for applications did not provide any contextual information, and there was, and still is at the time of writing, no explanation on the Court's website as to why such a historic step was to be taken.[274] Was this the sign of a velvet revolution in the use of French and English?

It can be noted that the job advertisement did not specify the legal system to which the required legal education should relate, or the language through which the law degree should have been taught. However, although this is an "English-language" position, the same "excellent" level of both English and French was required. These details suggest a desire to cast the net wide, but also an intention to recruit a reader of judgments who could work in both English and French.

B. The Underlying Decision

The planned appointment of an English-language reader of judgments in fact presaged the introduction of a "pilot project" at the General Court.

The *Conférence plénière* of the General Court, the plenary meeting of all its Judges chaired by President van der Woude, had adopted earlier in 2025 a decision on the language of deliberation and drafting at the General Court. They had decided to launch a "pilot project", a trial, which was to run for three years. Under the terms of the project a *maximum* of

273. Such adverts are removed from the website once the application deadline has passed.

274. It appears that some information was given on December 8, 2025, to a delegation of The Council of Bars and Law Societies of Europe (CCBE) during their official visit to the institution, but no details are available.

forty English-language cases per year were to be dealt with in English, from beginning to end, with the agreement of the Chamber responsible for the case.[275] In those cases alone, the case file would be worked on in English, deliberations would be conducted in English, and the judgment/order would be drafted in English. These judgments and orders would nonetheless all be translated into French within two months of delivery, irrespective of the policy on selective publication of case law.

C. Projected Impact

The model currently being tested seeks to achieve greater efficiency in handling English-language cases (the tail) without remodelling the entire linguistic ecosystem of the CJEU (the dog). The pragmatic choice of English as a new language of deliberation and drafting seems to have been prompted by the number of English-language cases brought before the General Court rather than by any (explicit) reflection on the dominant role of French at the Court.

The following table shows the potential impact on drafting and translating the categories of documents required at the various stages of judicial proceedings in English-language cases before the General Court.

English-Language Cases	Regime Since 1952	Pilot Project
Application, response, reply, rejoinder received in English	Translated into French at Court	No translation*
Pleadings received from an EU institution	Translated into French by that institution	No translation*
Pleadings received in languages other than French or English[276]	Into French and English	Only into English*
Preliminary report (*rapport préalable*)	In French	*In English*
Written questions	Drafted in French	*In English*
	Translated into English	No translation*
Notes en délibéré	In French	*In English*

275. And not only by agreement of the Judges on the bench hearing the case, and possibly subject to a veto from the President. The maximum of forty cases seems to be divided up into a quota per Chamber.

276. These are primarily observations or statements in intervention from Member States.

English-Language Cases	Regime Since 1952	Pilot Project
Report for the hearing	Drafted in French	*In English*
	Translated into English[277]	No translation*
Opinion drafted in official language chosen by Advocate General[278]	Translated (if not language of drafting) into French and English for day of delivery	Only into English?*
	Translated into other official languages	No change
Judgment or order	Drafted in French	*In English*
	Translated into English for delivery	*Into French* within two months*
	If "published", translated from French into other official languages	*Translated from English*
	If not "published", "disseminated" in French and English for delivery	In English, and in French when available*

Table 1: The potential impact on drafting and translating the categories of documents required at the various stages of judicial proceedings in English-language cases before the General Court.

This table shows that the pilot project could engender net savings in the translation load (marked in the table with an asterisk). Pleadings drafted in English should not be translated at all, whether by the institutions that submitted them (so long as they are made aware of the Court's intention to conduct proceedings in English) or by the Court's translation service (so long as the Chamber communicates its decision in good time and before the act initiating proceedings is translated). Pleadings drafted in another language should be translated only into

277. Triangulation not translation is required to produce the English-language version of a report for the hearing, since the lawyer-linguist should refer back to the English used in the pleadings.

278. Based on Court of Justice practice.

English. Reports for the hearing and questions drafted in English should not be translated at all. Judgments, orders, and Opinions drafted in English need not be translated prior to delivery. These measures should save public money and allow English-language cases to be disposed of more quickly. It should not be forgotten that General Court reports for the hearing and judgments can run to hundreds of pages, particularly in complex and often high-profile competition cases where the written pleadings can be both numerous and voluminous.

At other stages, the translation burden will simply be shifted (indicated in the table in italics). Judgments hitherto translated from French to English will be translated from English to French, although the corresponding reports for the hearing will not exist in French.

Furthermore, the pilot project, which is now underway, has an immediate impact on the management of multilingualism within the institution as a whole.

The role of those involved in the pilot project will change. Judges' staff used to working on case files in French will have to read case files in English. Judges used to deliberating in French will deliberate in English. Legal secretaries used to drafting in French will have to draft in English (perhaps with advice or assistance from the English-language translation unit). French-language lawyer-linguists will be required for the first time to translate not only pleadings and Opinions but also judgments and orders. Lawyer-linguists in other translation units will be required for the first time to translate judgments and orders from English. The new English-language reader of judgments will be a pioneer, a trailblazer, who might be expected to establish a guide (perhaps with the assistance of the English-language translation unit). The French-language readers of judgments will apparently be required to review not only judgments drafted in French, as usual, but also, for the first time, *translations* of judgments into French; judgments translated into English, even in English-language cases, have always been the responsibility of the English-language translation unit.[279] The English-language proofreaders in the translation service will be required to review not only judgments translated into English by English-language lawyer-linguists, but also judgments drafted in English by non-anglophones.[280] The French-language proofreaders of judgments in the General Court will presumably

279. In certain cases, the English version has been reviewed by English-language Judges and their staff or the *cabinet* of the reporting Judge.

280. They already proofread Opinions drafted in English by non-anglophones.

be responsible for reviewing not only judgments in French, as usual, but also judgments *translated* into French under the pilot project.[281]

D. Questions

The introduction of the pilot project raises at least two sets of interesting questions.

1. Timing

The subject of this Article has been debated for years. Why is it in 2025 that plans were made to introduce English as a language of deliberation and drafting before the General Court?[282]

It appears that the debate about adding English as a language of deliberation between Judges, at least in the General Court, has indeed been resuscitated since Brexit, as Arnull predicted in 2018. The withdrawal of the U.K. seems to have acted as a catalyst: there are no longer any Judges from a Member State in which English is the sole EU official language and who could be accused of special pleading.

It would also appear that the General Court may have lost patience. Whatever the content of the impact assessment report requested of the Registrar of the Court of Justice in 2016, nothing had changed at institutional level, and the Brexit justification given to the Court of Auditors was no longer valid. In the absence of a coordinated institutional approach, the only way forward was unilateral action.

It may also be relevant that Marc van der Woude was coming to the end of his three-year term as President of the General Court in September 2025. To be reelected by his peers, he needed to manage the mounting expectations of those Judges who question the continuing role of French at the Court. The end of the pilot project would have closely followed the end of the President's new mandate which coincides with the end of his current six-year term of office as a Judge in 2028, when he will be sixty-eight years old. Would any new President have the same agenda, or influence over any future vote in the *Conference plénière*?[283]

It is also possible that a link can be established between the pilot project, the doubling in size of the General Court, and the risk of *chômage technique* (technical unemployment). The current ratio between the number of new cases and the increased number of Judges (fifty-four)

281. The French-language proofreaders in the translation service currently review the French version of Opinions.

282. A possibility explicitly mooted by Schiemann (2015) at 571.

283. van der Woude has now resigned from the Court as of autumn 2026.

suggests that there may not be enough work to keep everyone busy, despite the structural increase in caseload over time. One response is for the General Court to sit more frequently in formations of five rather than three Judges, thereby improving consistency and quality. This is an avowed ambition and already happening.[284] Another response is to concentrate on reducing the duration of proceedings and further purging the stock of pending cases, as in 2025. It is mooted that using English will enable the General Court to deal more efficiently with the big English-language cases awaiting resolution.

2. Approach

Over the years, a variety of approaches has been used to effect change at the Court, particularly in its management of multilingualism.

Tools related to the digitized translation environment have been the subject of a *gradual, but deliberate rollout* in recent years, necessitating a comprehensive training programme.

Translation into Irish and Maltese, within units dedicated to those target languages, was introduced *step by step*, subject to the fixed-term derogations agreed. The Member States set objectives and deadlines for review of language competence within the EU institutions and the two countries concerned, but there was no question of backtracking and removing the status of official language.

Pivot languages were introduced after careful analysis and preparation over several years, including the necessary (accelerated) training in pivot and pivoted languages. The change from a regime of direct translation to a system of mixed translation was then effected as of a fixed date, in *one big bang*, to coincide with the 2004 enlargement and the need to deal overnight with nine new source languages. Similarly, ad hoc contracts with individual freelance translators were replaced, as of a fixed date, by framework contracts awarded pursuant to the first public procurement exercise some twenty years ago.

There have sometimes been *pilot projects*, for example involving certain new IT applications or the "post-editing" of neural machine translations.[285] Such projects have allowed an exploration of what is

284. Vesterdorf (2019) 268: "Since the gradual arrival of two judges from each Member State it appears that many more cases are now being attributed to five-man chambers. In 2017 about 80 cases whereas in former years on average only about 10 cases a year were given to five-man chambers". Also Lenaerts (2021) 8.

285. A service offered by the Translation Centre for the Bodies of the EU. See Wright (2025) 133-4.

possible or desirable and have sometimes been abandoned where the planned progress report turned out to be negative.

The translation service has *incrementally* taken on the new role of editing Opinions drafted in French or a pivot language where an Advocate General has chosen a language of expression that is neither his own nor that of any of his *référendaires*. These ad hoc requests for linguistic assistance are not entirely predictable and there has been no structural change within the translation service.[286] The legal translation units have also become responsible for the increasingly systematic production of summaries of requests for a preliminary ruling.

Lastly, there have of course sometimes been "*unofficial" experiments*. For example, there is anecdotal evidence that a few General Court orders were drafted in English by the anglophone staff of anglophone Judges, with the English-language translation unit playing the role of reader of judgments.[287]

With respect to its language of deliberation and drafting, the General Court has chosen, or been constrained, to proceed by way of a pilot project. Inherent in the notion of a pilot project is the understanding that there might never be a full rollout of the project, because there is some initial doubt as to whether it will work. It is less a preparation for a full rollout by taking the time to see *how* it would work, and what new methods and systems might need to be put in place, and more an attempt to determine *whether* it might work. It is tentative.

Since a pilot project may, by definition, be abandoned, it is likely that nothing that is difficult to reverse can be implemented; in an EU institution public money is at issue. As a consequence, a pilot project is unlikely to include structural change. So if structural change is essential for the project to succeed long-term, is the pilot doomed to failure? The terms of the job advert suggest that no new budgetary post was created, for example. Will the staff of the "translation" service take on additional new roles without any change to the structural organization of the Court's services?

Is there any real point in buying into a project which may never be rolled out? Is three years long enough to change a mindset that has persisted for seventy years? There is no guarantee that the *Conférence plénière* was unanimous in its decision to launch the pilot project, so will there be passive resistance from a reluctant minority?

286. The European Parliament has created a linguistic editing service alongside its translation units.

287. Based on personal experience.

During this exploratory phase, the development of staff skills will be essential. Will *référendaires* currently in post be able to draft in English, or both French and English? Or will new (and temporary) *référendaires* be recruited to face the English-language challenge?[288] Will lawyer-linguists and other lawyers in the Court be trained (or recruited) in light of the new skillset required? Will Member States and the 255 panel base their proposals and assessments of potential Members on an updated definition of the "working language" of the General Court?

Is the provisional and strictly circumscribed nature of the project such that it presents a mixture of the disadvantages of two languages of deliberation and drafting running in parallel, the challenges associated with using the English language for the first time, the difficulties inherent in any change, and an inbuilt low probability of taking any structural measures which could facilitate the change? Or have those disadvantages been sufficiently mitigated by the design features of the project? Do we have a clever combination and adaptation of some of the best bits of each of the various alternative models envisaged? A canny compromise?

a) Pages of translation should actually be *saved* in the English-language cases selected for the project. Cases where English is not the language of the case remain untouched: English would merely have been swapped for French and vice versa if English had replaced French overall as the language of drafting.

b) The project *does* introduce a dual-language system, so decried in the literature, but documents will not be translated into both English and French as apparently feared.

c) Even though some judgments *are* drafted in English, an entire corpus of case law will be maintained in French.

d) In the event of an appeal, there *will* be a difference in drafting language between General Court and Court of Justice judgments, but the French-language version of the General Court judgment will always be available to the Court of Justice.

e) An English-language reader of judgments *has* been appointed to ensure the proper and consistent use of legal English, and the French-language readers of judgments will continue to oversee the use of legal French in all judgments.

288. Mention of English has thus far been seen once in the calls for applications published in 2025 and 2026.

Moreover, it seems possible that the pilot project might even become a conduit for introducing some of the more convenient aspects of Sevón's hybrid model. There could be a pragmatic dissociation between languages of *instruction*, deliberation, and drafting.

E. Assessment of the Results

It seems impossible for those not involved in proceedings to identify the cases covered by the pilot project. Reports for the hearing, judgments and orders have always indicated the language of the case, but not the language of drafting. It is only Advocates General's Opinions that indicate the "original language" of drafting, and this choice is not affected by the pilot project.

It will thus be impossible for us to calculate to what extent the pilot project brings about any reduction in the translation load or in the duration of proceedings. We will not know whether Judges wish to make renewed requests for translation of documents into other official languages. As regards interpreting, the Members of the two Courts have always been able to request interpretation into any EU official language. It is not known whether a French-language booth will continue to be available at all hearings, even in English-language cases dealt with entirely in English. Similarly, it is not known whether research notes will still always be drafted in French.

By the end of the pilot project the General Court will have the opportunity to assess, on the basis of evidence rather than any hypothetical analysis contained in an impact assessment or cost benefit prediction, whether this new approach has in fact improved efficiency. Their criteria for success are unknown. The duration of proceedings is systematically recorded, the duration of each stage of proceedings is indeed measured, and the proportion of time spent on translation can be calculated. However, comparison between cases coming under the pilot project and English-language cases dealt with under the conventional model is not scientific, since no two cases are the same. Similarly, the total volume of pages to be translated for the General Court, and the proportion of those pages to be translated between any two languages, for example French and English, is also systematically recorded. It will thus be possible to see whether there has been a reduction in the translation load in either respect over the lifetime of the pilot project. However, account will have to be taken of other variables, such as overall caseload and the length of documents to be translated, either of which may fall, and a potential increase in the rate of case resolution.

If the Judges of the General Court are called upon in the plenary meeting to vote again on the pilot project, they will bring their own lived experiences, viewpoints, and ideologies to bear on the future place of French and English at the Court. Several alternative outcomes can be envisaged.

The pilot project might prove to be a *silver bullet* in reducing the duration of proceedings in English-language cases and judged a success in that regard. The project could thus be extended into the future in its current form or rolled out to cover a greater number of (English-language) cases.[289]

It might be decided that, in spite of the project's success, greater efficiency in handling General Court English-language cases does not justify remodelling the entire linguistic ecosystem of the institution. We cannot predict the tipping point at which the tail becomes so heavy that it can no longer be ignored.

The pilot project might be a *damp squib* and judged an abject failure. Maybe the duration of proceedings will not be reduced sufficiently to warrant the upset caused; maybe there will be unintended consequences and unpalatable collateral damage. The experiment would be set aside, the reactionaries could legitimately claim that the Court had given it a go, those who decry French domination might have been placated, and the tried and tested status quo ante could be reinstated.

Alternatively, the entire experiment might prove to be a *red herring*, a distraction from a more recently identified elephant in the room, and simply irrelevant. At some point advances in AI may be of such quality that the choice of drafting language and the production of multiple language versions become a non-question. At present, over forty percent of CJEU staff work in the language services. However, the future role of the translation service is currently under review. At some point, the Court's AI Management Board will have to reconsider the extent to which a greater use of AI may provide an efficient solution in handling the heavy caseload of a multilingual court.[290]

VII. CONCLUSION

In 1952, the seven ECSC Judges decided that French was to be the sole language of judicial deliberation and drafting in the newly established

289. If it led to an analogous trial in the Court of Justice, it would have served as Krenn's Trojan horse.

290. The Board prepared the Court's AI Ethics Charter adopted in 2026 https://curia.europa.eu/site/upload/docs/application/pdf/2026-03/ethics_charter_ai_-_en.pdf

Court of Justice. That self-imposed judicial convention has produced a radiating effect on the use of French throughout the institution and beyond. It has had an impact on the model of case management, linguistic demands on Members, organizational structure, communication, the form and style of the Court's judicial decisions, access to EU case law and, arguably, the Court's culture and legal method. It has created significant, uniquely Francophone job opportunities within the Court and determined the selection criteria applicable to Members and staff. The linguistic ecosystem thus tends to perpetuate itself.

The existence of a single language of deliberation has the undoubted virtue of simplicity in terms of internal organization. And in 1952 French was a natural choice because of the linguistic knowledge of both the original Judges and the populations of the original six Member States. Despite the complexity of the mandatory language arrangements, the Court's model has been made to work. It is now so well established that the status quo has seemed somehow inevitable and immutable.

However, today's EU is a far cry from the ECSC of yesteryear. Expanded territorial and substantive jurisdiction and the linguistic profile of the twenty-seven Member States have imposed a strain on the system. The pool of talent from which to select Members of the EU judiciary is constrained. The growing caseload is a constant challenge. The duration of proceedings can be difficult to justify. The Court's model based on French is not necessarily as efficient as it once was or as it should or might be.

Although the Court's internal organization has been repeatedly adapted to facilitate the operation of EU justice, the fact that French has remained the language of deliberation and drafting has attracted attention. Would it be rational to use a different language instead of French, or to permit the use of a second language in certain cases? What would be the costs and benefits of such a change? Would an impact assessment show that the short-term effort of turning the oil tanker would simply outweigh any expected longer-term gains?

It can be argued that this is a matter for the Judges alone, as an aspect of judicial discretion or independence. However, their choice has a significant impact not only within the institution but also on the other institutions, the wider public, and the funding of the public service that is EU justice. Change is by definition disruptive, but the status quo should not be allowed to persist just because it is comfortable. Decisions made in the name of efficiency in 1952, in good faith and for good reason, can and should be reviewed in the light of changed circumstances.

The General Court has very recently dipped its toe in hitherto untested waters, choosing to experiment with using English for both deliberation and drafting. Is this a sign that the model of internal language arrangements chosen by the ECSC Judges in 1952 has been stretched as far as it will go? It is too early to tell whether the pilot project will usher in further developments in the institution as a whole, in the face of an apparently unstoppable tide of English. It seems, however, unlikely that the General Court will be able to step back from the shoreline crossed by its bold initiative. Pandora's box has been opened. Even if efficiency in case handling is the purpose of the pilot project, it will be interesting to assess, in early 2029, whether greater official use of English in the General Court has already attenuated any of the difficulties caused by the Court's original choice of French. Let us hope that the experiment provides a sufficient basis for a neutral analysis.

In the event of further EU enlargement, it is unlikely that new Member States would fail to request the recognition of their national languages as EU official languages. At the same time the current Member States show little appetite for any change to the mandatory language arrangements. We could thus expect proceedings to be brought before the EU Courts in more than twenty-four languages. The egg timer model of rationalized case and language management would become even more necessary, but the central role played by the French language in that model would certainly come under further scrutiny. Would it still be feasible to ignore its impact on the pool of talent from which Members of high quality must be selected? For EU law to be accepted in new Member States it would be essential for the perspectives of new Judges to be reflected in the case law.

Whether the EU of tomorrow has more Member States or pursues a programme of tighter integration, perhaps with fewer Member States, litigants before the EU Courts are likely to expect ever more expeditious case-handling. In the pursuit of ever greater efficiency it will be important for the Court to engage with legitimate scrutiny from external commentators.

Faced with a generally uncertain future, one of the hardest questions for further consideration relates to the impact of (generative) AI on the subject of this Article, and on EU judicial proceedings in general. AI is being used all over the world in legal research, drafting, and translation. It has the potential to transform interlingual communication, making the choice of a common language of judicial deliberation redundant. It has the potential to transform the production of documents in multiple language versions, making the choice of a common language of judicial

drafting redundant. How far will the Court of Justice of the European Union go in embracing the AI (r)evolution?