

Law and Language at the European Court of Justice: The Language of Advocates General's Opinions

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This presentation sets out some findings from the ERC-funded project 'Law and Language at the European Court of Justice' (The LLECJ Project). That project, which began in 2012, aims to elaborate a new understanding of the development of EU law by examining the process behind the production of the multilingual jurisprudence of the Court of Justice of the European Union (ECJ). By analysing the relationship between law, language and translation in the jurisprudence of the ECJ, using methodological tools borrowed from fields outside of law, the LLECJ project aims to introduce a new facet to the current thinking on the development of the EU legal order.

The ECJ produces case law in up to 24 linguistic versions, (currently) applicable throughout 28 Member States. The LLECJ project investigates how that multilingual case law is produced and to what extent it is shaped by questions of drafting language, translation (hidden or overt), legal and institutional cultures. This presentation focuses on one particular aspect of that project: the impact of language on the drafting of Advocates General's opinions. It is generally accepted that the role of the Advocate General (AG) at the ECJ is an important one in terms of *droit prospectif* (indicating the likely directions for the development of EU law), and that the development of the ECJ's case law is shaped and guided by the opinions of AGs. That 'dialogue' between the Court and its AGs has been significant in the development of some of the most fundamental principles of EU law concerning the nature of that legal order, aspects of substantive law and the relationship between EU law and national law. The presentation examines the relationships and dynamics that produce that 'dialogue' and the role that language plays in the production of AGs' opinions. Specifically, the presentation focuses on changes made to the internal language policy at the ECJ in 2004, and the impact that those changes may have on AGs' opinions. In 2004, a 'pivot language' system was introduced at the ECJ and, since then, certain AGs have been requested to draft their opinions in one of the Court's 'pivot languages', rather than in their own mother tongue(s). The empirical data gathered and analysed in the LLECJ project demonstrates that the change in language policy has resulted in power shifts and role changes within the Court as well as linguistic changes in opinions themselves. The question to now consider is what might such changes mean for the development of ECJ case law.

More information on the LLECJ project, including various outputs and publications, can be found on: www.llecj.karenmcauliffe.com