



## INSTRUMENTAL COMPETENCE – A CORE REQUIREMENT IN EU LEGAL TRANSLATION

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### ABSTRACT

Although language proficiency remains at the heart of all translator competence models, whether they are minimalist or comprehensive, online resources are now a necessity in the translator's market and professionalization. Translation is subject to competence in terms of both process and product. CAT, editing and translation tools, online databases and dictionaries, and even artificial intelligence (AI) are examples of instrumental sub-competence, which has been positioned as mandatory in the translation process, moving away from the traditional image of the translator as a lone individual, defined by invisibility in their profession, situated on a desk and surrounded by books.

Translation is essentially about language command, but in the digital era, online tools serve as both a translator for the average person and a support for expert translators. This paper seeks to provide a broad overview of the role of online resources in shaping the EU legal translator's competence, along with a focused approach to the current realignment of new technologies intended to streamline the translation process and replace the translator in a non-professional setting.

**Keywords:**

Instrumental Competence, Online Tools, EU Legal Translation

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## 1. INTRODUCTION

Translation is not just about conveying meaning, and the translator is not adequately defined as the person responsible for this transfer. It is not a picture but a competency that enters the market, and the product is not intended for entertainment purposes but rather for legally binding use by EU citizens. The pictures are not just about the translator's lost voice, but also about the force of his words, their alignment with the legislator's goal, and the local laws already in effect. Unlike other sciences, such as mathematics or physics, where information is universal and fixed, language is not a predictable and absolute science; meanings are determined by time and culture and vary not only from one country to another but also from person to person. In this climate, translation studies research could only provide interpretative data determined by objects delimited by subjective factors.

Specialized languages are determined by their association with a particular domain. In the case of legal languages, the specialized register is part of the legal field and includes terminology employed in legal communication situations, both inside and outside of courts of law (Cao, 2012). Its primary function is to serve as tool employed in the legislative branch of power, and it is used in both private and public sectors in order to address established legal relations. All judicial and public instruments of legal competence, specialist writing, and private connections pertaining to legal matters are included in legal language as a specialized register (Prieto Ramons, 2014: 265). In everyday life, the specialized register of legal language is often perceived as inaccessible, associated primarily with courts and formal legal proceedings—spaces most people rarely enter. In contrast, technical languages in fields such as mechanics or medicine are more readily decoded: individuals consult manuals to repair their cars or search online to self-diagnose using medical terminology. Despite its reputation for addressing private matters like divorce or public issues like criminal cases, legal language is in fact widely encountered in daily activities, such as placing online orders or downloading apps, where it takes the form of contracts and agreements that bind users with every click. The evolution of the administrative, social, and cultural framework, which encompasses current events in archaic languages, is reflected in law and legal language (Williams, 2011).

## 2. TRANSLATION AS A PROCESS

The transition from handwriting to computerized translation has resulted in additional opportunities to influence the industry both internally and outside. According to one perspective, the perception of a translator's competence has changed since 1954, when machine translation emerged as a major tool for cross-cultural communication and gained recognition. However, in the latter half of the 20<sup>th</sup> century, the translator no longer represented the target; instead, the person tasked with translating between languages was demoted to the next best option when translation was required, which was a computer, which was more accessible and less expensive. About the underlying process, translation no longer required many hours of research, material was easier to find, and the full terminological system was made available online to assist translators. This did not replace their skill, but rather raised it to a new level. In this regard, translators lag behind machine translation or even artificial intelligence (AI)

translation due to their lack of experience. As machine translation and AI are now readily available via a computer or smartphone, language is no longer a barrier to communication; instead, the answer may be in our pockets. Translation is a practical tool in everyday situations, such as traveling or reading, where it typically involves conveying general messages and basic terminology. Yet when precise communication is required, a translator's expertise becomes essential to overcome linguistic barriers, including symbolic systems, physical aspects of language, or unfamiliar code systems. In contrast, in public or highly structured contexts, the translator's role may be limited or largely unnecessary. For instance, in business, the spread of ideas, concepts, and ideals relies on a professional translation. Whether the source papers are technical, software, engineering, medical, or judicial, the translation must adhere to certain standards regarding the message's structure and content. A machine cannot achieve these standards; only a qualified translator can. In this case, the translated text should be able to satisfy the client's needs as stated in the contract and, if it is not created for the client's direct benefit, it should meet the requirements of the final user. The application of cultural aspects in relation to usage, standards, and conventions such as grammar, phraseology, terminology, register, systems of values, and cognitive frameworks should be taken into consideration in relation to the target community's practices in both linguistic and non-linguistic aspects connected to language and culture. Regardless of the source text's quality, the target text must have messages and meaning that are clear and meet the standards of clear communication (Gouadec, 2007).

In contrast, at the EU level, the language is no longer a product of individuality; rather, it is a product of the institution, and the translator no longer owns the words he uses. Instead, it is the result of a collective process in which reasonability is divided, and the institution retains the rights to the language. No longer is the translator's name mentioned in connection with the translation; instead, the institution speaks the words. Salaried translators employed by the Commission, Parliament, Council, Court of Justice, and all other EU agencies handle the majority of translations. Some translators work from headcounters in Luxembourg, while others are headquartered in Brussels. Since most EU legislation is written in English, proficiency in both English and one of the 23 official languages is typically required.

According to one viewpoint, EU texts contain their own culture, and each translation serves as a cultural mediator between the source culture and the EU culture, which is a synthesis of 26 distinct cultures and raises issues of identity. Translation within the EU poses unique challenges (Koskinen, 2008:47). Applied linguistics (Cook, Davies & Elder, 2004; Wiśniewski, 2007; Richards & Schmidt, 2011) or legal linguistics (Mattila, 2006; Galdia, 2009), an interdisciplinary field that embraces language denoting specialized meanings where language giving rise to language for specialized proposes (LSP) (Swales, 1992; Hoffmann, Kalverkämper, Wiegand & Ernst, 1998), may be a better fit for this unique linguistic register and the translation implied in its production. The most notable issue with EU texts may be that, despite sharing many traits with the English legal register, such as the impersonal tone, extensive text intended to provide as much information as possible, definitions, Latinism, French, and specialized terminology, EU English is more of a sub-register of International Legal English designed to set rules for its multicultural citizens. Apart from the basic principles derived from specialist English, the EU register is further distinguished by a lack of adherence to general standards pertaining to textual or grammatical structures. To realize the legislator's intent and adapt the language accordingly, it is insufficient to rely solely on translation rules

and theories. EU translation has developed largely outside of academia, shaped by the work of non-native speakers who enrich the language with fixed, specialized formulas. Their contributions often remain invisible to others while simultaneously reflecting individual cultural backgrounds, as observed even by schoolchildren (Robertson, 2010). For instance, terminology is challenging due to cultural and customary differences. Although both Romania and Ireland are independent republics, the former believe that Romania is sufficient to identify the state, while the latter have taken a different stance and insists that the Republic of Ireland be used as its official name in all documents.

According to the European Committee for Standardization, translation could be defined as information rendering in written form from the source to the target language (2006:6) and in englobes pre-translation, translation and post-translation stages focusing on the assignment of resources, linguistics aspects, and verification. In the case of machine translation this step could be undertaken by the computer qualified to replace aspects like terminology, grammar, lexis, style, locale, formatting and the compliance between the objective and the resulting translation (Ibidem: 11).

In pre-translation and translation stages, the presence of a human translator is not always necessary, as machine translation or AI can render messages from the source to the target language while accounting for linguistic factors and ensuring alignment with the intended purpose and audience. However, translation as a process does not end with the mere transfer of a message from one language to another. Today, translations undergo quality control procedures to verify their accuracy and compliance with the client's expectations. Quality control steps are undertaken by professional translators and are divided between mandatory and non-mandatory:

- a. *checking* denotes the self-revision procedure that is carried out both after and before the translation is finished. It entails removing errors and filling in any gaps to guarantee quality and that the content complies with the contract specifications (Gouadec, 2006:11).
- b. *revision* is mandatory and its goal is reflected in how well the translated text fits the document's content in terms of message, vocabulary, and register. Revision, as opposed to checking, is carried out by a qualified translator who may suggest changes or retranslations as needed (*ibidem*: 11).
- c. in contrast to other post-translation verification methods that present a parallel text comparison, *review* treats the translated text as an independent text that is subject to validation. The review is performed at the client's request and entails a revision in terms of mission.
- d. *proofreading* represents a non-mandatory quality control step that is carried out before the text is published (*ibidem*:6). Its purpose is to improve the translated text before it is published by verifying technical typing issues, such as diacritical marks (Schopp, 2007:8).
- e. *final verification* is mandatory and entails confirming the correspondence between the service rendered and the request's specifications.

Based on the steps outlined in the EU guidelines, it can be inferred that the translation process involves more than just translating text from one language to another. It also includes optional and mandatory steps intended to confirm that the translation complies with the contractual request in terms of correctness, consistency, and proper terminology, as well as any errors or omissions. Another myth about translation is that it only requires one person to participate, but the process demands that both the translator and the revisor must participate (Biel, 2011). These days, translation in any formal or institutionalized capacity is the result of a translator's labor, including machine translation-controlled involvement or electronic databases.

In contrast to pre-translation and translation, post-translation stages incorporate the quality control steps that require the presence of a translator who cannot be replaced by a computer, at least in part. Verification stages normally involve the input of a translator whose competence is undisputed in order to ensure the revision and the final verification at the minimum. Steps like checking could be managed by the program entrusted with the translation during the translation process. Independent steps undertaken by the computer could approach steps like review in the form of a reverse translation or programs meant to find and correct typing or grammar errors, meeting the proofreading goal.

### **3. TRANSLATION IN THE MODERN ERA: PRACTICE AND FUNCTION SKILLS**

To overcome language barriers in the digital marketplace, the Directorate-General for Translation (DGT) introduced a machine translation policy, establishing eTranslation as a service for the DGT, European institutions, and public administrations across Member States. eTranslation is utilized for large-scale translation projects when human resources are insufficient and offers a practical solution for digital communication that requires frequent content updates. The system was designed to ensure adherence to data protection and processing regulations, reflecting the EU's commitment to digital sovereignty. With the deployment of 318 eTranslation machines under the Digital Europe programme, the service has produced 760 million pages of translated text. Simultaneously, translators must adapt alongside these technological developments. In addition to summarizing the transition from traditional to AI-assisted translation, this study offers a grounded viewpoint on the topic and emphasizes instrumental competence as a highly relevant and increasingly important component of modern translation practice.

The first two artificial intelligence-based translation programs were introduced by the European Union under the slogan "Europe fit for the digital age". eBriefing was designed to provide brief drafting services, and eReplay was used to replay digital correspondence. Using the Leonardo supercomputer, the EU increased the generation of language models in all official languages and AI services connected to translation. Additional measures for using AI and digital tools in the translation industry that the DGT prepared include the eDGT's continued implementation, the creation of the Next Generation Computer-Assisted Translation Environment (CATE NG), a program designed to help institutions communicate with one another about translation files, and ELI2E, which is currently in development. Two new AI-based programs are anticipated to be introduced in 2025 under the AI@EC Network umbrella.

One program focuses on online communication, while the other aims to provide accessible texts for people with cognitive impairment in partnership with DG CNECT. Future AI services intended for stakeholder use may also be of interest due to the reporting requirements under EU legislation (Directorate-General for Translation, Annual Activity Report 2024, <https://commission.europa.eu>).

The Paste 'n' Go service, which provides translation services by copying (pasting) text under 6000 characters in a designated field and then retrieving it by copying it in the document, was used for 115 pages in 2024. This was a slight decrease from 2023, but it demonstrated a persistent interest in machine translation services.

In 2024, IATE was further improved to decontaminate a high level of response to user demand with three releases. Electronic databases constitute another significant phase in the digitization process. Among the Terminology Projects Module's main improvements were better forum management, more progress tracking, and more notifications. Notable features also include the addition of a Europe-based large language model for definition drafting and term suggestion, the integration of other translation services such as eTranslation and EuroVoc, the inclusion of responses from the JRC classification tool, enhanced connectivity to EUR-Lex for context retrieval and advanced reference management, and a revised post-adoption module for terminology verification against adopted legislative acts.

The Center's multi-engine machine translation technique (MEMT), initially implemented in 2023, was improved and extended over the course of a year in order to handle large translation volumes and new engine domains. A new set of domain-specific NICE engines for DG GROW TRIS and the system's capacity to manage trademark translation were made possible by advancements in the field. A more accurate assessment of efficiency gains over time was enabled by improvements to the platform's statistics and monitoring functions. After the initial working group on AI highlighted a set of areas of interest in 2023, the Center established an Advisory Group on Artificial Intelligence to further explore opportunities for efficiency gains and to identify relevant AI technology, tools, and solutions. The Advisory Group completed its work in March 2024 with input from the everyday department, and the following month it submitted its final report. The report presents the group's findings, analysis, and recommendations, along with specific activities and solutions to be explored and implemented in the coming years. It also highlights the importance of continuing experiments and fostering collaboration with other groups (Translation Centre for the Bodies of the European Union, Consolidated Annual Activity Report 2024, <https://www.europarl.europa.eu>).

#### 4. CONCLUSION

Nothing stays the same, the world evolves and everything within it, time passes and changes are implemented; what is true about reality also applies to translation and the translator's competence. From a subdiscipline it has gained center stage, from a solitary person it has become a culture mediator. Translation could not be limited to a transfer between languages and a translator it is not only entrusted with equivalence. Technology has bought a new era for translation, one where a translator it no longer mandatory, in day-to-day situations machine translation and AI replace the role of a translator, as a more affordable and accessible alternative.

On the other hand, specialized translation could not be limited to a device that you carry in your pocket, specialized registers do not follow general linguistic rules and structures or meanings employed in everyday communication. In the case of EU legal language, while still a register of English, the communication is based on Latin and French borrowing, archaic meaning, technical register, repetition, polysemy, long phrases, impersonal style and passive constructions or nominalization. EU Legal English represents the cumulation of legal English, International legal English and the language spoken by non-native speaker denoting a specificity of the institution. In this case, machine translation represents a useful tool, but not sufficient for translation. Translation it is not only a culture mediator, but it holds legislative power, the product represents the work of at least one translator and one revisor, it does not represent the persons entrusted with the task, but the institution.

The European Union has recognized the transformation in the field of translation as a natural evolution from typewriters to computers. Today, machine translation, online databases, and AI support are the norm rather than the exception, and the EU takes careful measures to provide translators with the necessary tools to produce translations that align with the institutions' goals and objectives. This paper offers an empirical perspective on this evolution, synthesizing the shift from traditional to AI-assisted translation and highlighting the concept of instrumental competence as an innovative and increasingly central aspect of contemporary translation practice.

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