



EULITA - European Legal Interpreters and Translators Association

**Commissioner Michael McGrath**

EU Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection

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20 December 2024

**Re: Assistance to include translation and interpreting in legal and administrative settings to Annex 3, point 7 (c) and point 8 (a) of the AI Act**

Your Excellency, Commissioner McGrath,

I am writing to inform you about the reservations of the legal translators and interpreters' community, members of EULITA<sup>1</sup>, regarding the *AI Act*<sup>2</sup> and our worries related to the fact that translation and interpreting are not considered to involve much risk in this new piece of EU legislation. We believe this is a mistake that needs to be corrected as soon as possible.

We know that the quality of software products in our sector is increasingly better, but we also know that the accuracy level of their output is not the same as that of human translators and interpreters. We strongly believe that in sensitive areas, such as administrative, legal, medical and other settings, focus should remain on the risks involved. Even the slightest inaccuracy in translation and/or interpreting can result in serious consequences for the parties involved and we take the stance that such risk must not be taken.

We therefore ask you to help EULITA amend point 8 (a) (*Administration of Justice and Democratic Processes*) of Annex 3 of the *AI Act* in relation to Article 6 (2) of the Act, as well as point 7 (c) (*Migration, asylum and border control management*) in a way that would include AI-generated translation/interpreting among high-risk activities. When used for translation/interpreting, the AI systems struggle with complex context, lack consistency, are not sufficiently accurate for legal, administrative, medical and other texts. Sometimes they convert affirmative statements to negative ones. They may add some phrases (hallucinations) or omit crucial parts of a sentence or an utterance, have problems with slang and dialects, not understand the emotional context in which an utterance is made etc. We believe that in high stakes settings like court/police/medical/migration AI cannot be used unless the output is checked by a qualified professional and the liability for the output is clear. It also needs to be noted that the source for data for the AI output is the internet, where a lot of data is provided for some language

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<sup>1</sup> Full members of EULITA are 33 professional associations of legal translators and interpreters from EU countries. More than 40 associate members include EU universities and research institutions, as well as non-EU professional associations, universities and individuals.

<sup>2</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828.

pairs, in particular in combination with English, however data which could serve as a basis for other language combinations, in particular involving the languages of lesser diffusion, are scarce or even non-existent.

Another problem with machine and AI-generated translation/interpreting is that the issue of liability remains unresolved. The companies developing such software are reluctant to take any liability for the generated output or they take it up to the amount of the licence fee paid for their product. The liability of a person (for example a minister) making the decision to use or deploy such software in a certain field is also not clear. Despite that we have recently seen examples in the Czech Republic<sup>3</sup> and Greece<sup>4</sup> where deployers of AI in the field of translation/interpreting in administrative and legal proceedings are discussing the use of such technology without mentioning their own liability for the output of such an activity. In the case of human translation and interpreting, it is of course a qualified translator/interpreter who is responsible for the result. We believe that even machine-generated or AI-generated texts/speeches should be checked by a qualified translator/interpreter who is fluent in the source and target languages and is able to check the proposed output.

EULITA's mission includes the promotion of the fundamental principles of human rights and fundamental freedoms and of increasingly higher quality standards of legal translation and legal interpreting. In view of these two points we were surprised to see that even in legal and administrative settings the *AI Act* disregards the risks involved with machine or AI-generated translation and interpreting, which could negatively impact fair trials, result in situations where the rule of law will not be upheld and full access to justice for all parties not be provided.

We are asking you for assistance because we see that in your portfolio you are responsible, *inter alia*, for monitoring the application of the Charter of Fundamental Rights through an annual report to the European Parliament and the Council, and that you will develop a strategy on the use of digital technologies, including AI, to make EU civil and criminal justice systems more efficient, resilient and secure. You will also ensure that the General Data Protection Regulation (GDPR) remains in line with the digital transformation.

Thank you for your time. I look forward to your response in this matter. Please send it to [info@eulita.eu](mailto:info@eulita.eu).

Yours sincerely,



Barbara Rován, PhD  
EULITA President

Sent in cc to: FRA – European Union Agency for Fundamental Rights [information@fra.europa.eu](mailto:information@fra.europa.eu)

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<sup>3</sup> Vít Rakušan, the Czech Minister of the Interior, sent in autumn 2023 a draft Foreigners Act to the Parliament, proposing that 'a certified technical device' be used for interpreting instead of an interpreter recorded in the register of court interpreters and court translators. The proposal has since been slightly changed. It has not yet been discussed by the Chamber of Deputies of the Czech Parliament.

<sup>4</sup> In Greece, Georgios Floridis, Minister of Justice, and Dimitris Papastergiou, Minister of Digital Governance, have given recently several interviews to the media, in which they have discussed the planned judicial reform, including the intention to use AI for translating essential documents in criminal proceedings.