



Management Plan 2016

Legal Service

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PART 1. Overview of main outputs for the year

The Commission, led by President Juncker, has committed to taking quick and effective action in a number of selected domains to respond to major challenges Europe currently faces, without losing sight of its long-term objectives and while continuing to promote the values on which the Union is based, primarily the fundamental rights.

In this context, the mission of the Legal Service is essential for assisting the College and the services of the Commission in carrying out the actions needed to meet these challenges.

The Legal Service will continue to make its expertise available to ensure the quality and legality of acts of the institution and to defend the interests of the institution before European, international and national courts.

Thus, the Legal Service will continue to seek a very high level of quality of its opinions, even in very tight deadlines when circumstances require it. Consultations will be treated with the legal precision necessary and in accordance with the procedures in place, while, where necessary, seeking and suggesting innovative solutions in conformity with the law and respecting the interests of the Commission. Obtaining coherent legal positions through teamwork will remain a basic objective in dealing with files which frequently concern several areas of law.

The Legal Service will make sure to convey its legal advice to the Commission services and cabinets as early as possible, in particular concerning the most important and sensitive files, so that the legal dimension can be taken into account in the choice between the various options or suggested solutions at the earliest possible stage. Experience shows that cooperation between Directorates-General and the Legal Service is most fruitful where it takes place upstream of the preparation of files with legal implications. This is why it is important to ensure that the Legal Service is consulted/associated from the outset in discussions at political and at technical level.

In addition, in line with the headline target on better law-making, the Legal Service will continue to provide advice to Directorates-General on legislative drafting, to ensure the highest quality of legal texts drawn up by the Commission. For this purpose, it is important that the proposals developed by the Directorates-General are transmitted to the Legal Service in time for finalising texts on legal matters.

Representing the Commission in court cases is the exclusive responsibility of the Legal Service and all of its lawyers contribute substantially to this task. This task requires a major investment and a high level of professionalism, as it involves not only legal issues and often very important economic interests, but more fundamentally the reputation of the Commission as the institution responsible for the general European interest. The Legal Service will continue to make every effort to ensure the highest level in advocacy of the Commission's interests, in the spirit of collective responsibility for this key task.

The Legal Service will in particular focus on the implementation of the 2016 Commission Work programme and on assisting the new College to transpose the policy priorities of the Juncker Commission into concrete proposals and initiatives.

For the 2016-2020 period, four key performance indicators have been identified to best demonstrate that the Legal Service is capable of meeting the expectations on delivering timely and quality legal advice and legal representation.

Quality and timely advice in legislative drafting

Relevant general objective(s): Provide quality and timely advice to ensure that the highest standards of quality are met in legal drafts proposed by the Commission DGs and services.		
Specific objective 1: Ensuring quality in legislating drafting through legal and legal-linguistic revision.		Related to spending programme(s): Administrative
Main outputs in 2016: 100% of the texts selected to undergo legal revision by the Quality of Legislation team (from inter service or informal consultations).		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	% of revised text from Jurrev	100 % of all selected texts
Main outputs in 2016: 60 legal texts to undergo legal-linguistic revision in all or several official languages to ensure coherence.		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	N° of texts reviewed in all or several official languages	+ 60 texts
Main outputs in 2016: 340 draft corrections of legal texts in one or more languages.		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	N° of draft correcting texts reviewed	+ 340 texts
Specific objective 2: Ensuring quality of Union Legislation by simplification in line with the Commission initiative on Better regulation.		Related to spending programme(s): Administrative
Main outputs in 2016: 100% delivery of codification and recast of legal texts as per the Commission Agenda planning		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	Delivered as of the Agenda Planning	100%

The Legal Service will continue to ensure that the highest standards of quality are met in the drafting of legal acts. In this regard, it is encouraged in particular by the European Parliament's unequivocal support for the Commission's efforts to improve the quality of EU legislation, as expressed in successive Resolutions on the Commission's annual Legislative and Work Programme.

The Legal Service works towards this aim by revising draft legal acts and, in parallel, by preparing guides and templates for drafters, in order to ensure better initial quality of drafts.

In 2016, the crucial activity of the Quality of legislation team will continue to be providing advice on the correct application of the rules on legislative drafting and the coherent use of legal terminology. In this area the Legal Service is increasingly solicited to review draft legal acts at early stages of the legislative drafting process. Legal revisers systematically intervene at the inter-service consultation stage, or even earlier, in informal consultation with the DG concerned, and contribute to the final Legal Service opinion on draft acts.

Additional interventions aimed at ensuring the coherence of different language versions of draft legal acts will also continue to be carried out. This is supplemented by an increasing workload on corrigenda in different languages.

Codification, Recast and removal of obsolete acts

Relevant general objective(s): Provide quality and timely advice to ensure that the highest standards of quality are met in legal drafts proposed by the Commission DGs and services.		
Specific objective 1: Ensuring quality in the legislating drafting and adoption procedure of the Commission.		Related to spending programme(s): Administrative
Main outputs in 2016: 100% delivery of codification and recast of legal texts as per the Commission Agenda planning		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	Delivered as of the Agenda Planning	100%

In line with the simplification objectives set out in the Commission's REFIT communications of 2012 and 2013, the Legal Service carries out codifications, plays an important role in the elaboration of recasts and contributes to the removal of obsolete acts.

Codifications of legislative acts are elaborated by the Legal Service when necessary to simplify legislative acts which have become over-complex as a result of successive amendments. Candidates for this treatment are identified together with the competent DGs and included in the Commission's annual work programme. This activity will continue in 2016.

The technique of recasting permits to combine the codification of the existing texts with changes to the substance. Whilst DGs remain *chef de file* for recast acts, the Legal Service has important roles in the drafting, revision and verification of such acts. In 2016, resort to recasting will continue, in particular, in view of the three institutions' renewed commitment to an increased use of the recast technique. It will also be necessary for acts that need to be codified and at the same time updated to be brought in line with the Lisbon Treaty.

The intended impact of codification and recast is to simplify the law of the Union, making it easier to understand and apply. That impact can be measured to a certain extent by the reduction in the number of acts or pages contained in the Union *acquis*.

Furthermore, the Commission in successive communications on the subject of simplification has recognized the fact that the *acquis* contains many acts which, for various reasons, have become obsolete, but which nevertheless formally remain in force or are applicable because they have not been expressly repealed. These acts obscure the overall picture of the active *acquis* and should be removed from the Directory of Union Legislation in Force. In 2016, the Legal Service will continue regularly updating the *Directory*.

The impact of these initiatives can be measured by the reduction in the number of acts contained in the *Directory*.

Quality and timely legal advice

Relevant general objective(s): Provide quality and timely legal advice to the Commission DGs and services.		
Specific objective 1: Ensuring quality and timely legal advice.		Related to spending programme(s): Administrative
Main outputs in 2016: 100% attendance at Heads of Cabinets' and Commission meetings by the DG or his replacement in Brussels, Strasbourg or elsewhere if required.		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	Attendance by LS at Chef Cab and Commissioners meetings.	100%
Main outputs in 2016: 90% replies on legal consultations to be given within the set deadline of approximately 15.000 consultations out of which approximately 8.000 are formal inter service consultations.		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	Statistics from databases (ARES, CIS net, NIF, RECO and others)	+90%

In view of the consequences that legislation has on the lives of the citizens of the Union, the Legal Service's contribution in the legislative process and other legal consultations is of critical importance in ensuring the legality of legislation proposed by the Commission.

The impact of the advice provided by the Legal Service can only be estimated by a scrupulous analysis of the cases before the courts and the judgements given. By improving the legislation, fewer cases are likely to be brought, whereas by pursuing Member States to ensure the application of Union Law, more cases will be brought. Where the Commission tests the limits of the application of Union Law, a number of cases will be unsuccessful, but the impact of those case won may allow for the development of Union Law on novel points that are in the interest of the Union.

During the last four to five years the Legal Service has dealt with approximately 14 000 consultations/year. It is estimated that staff spend half of their time on consultations.

In order to ensure that the replies to consultations meet the rigorous quality requirements of the Legal Service, the two assistants in charge of legal coordination select sensitive consultations for which they perform an additional review and analysis in order to assess if all the specific aspects that may be relevant in the particular situation have been considered. In that way, they contribute to ensuring the coherence and quality of the legal advice provided by the Legal Service.

Quality and timely litigation

Relevant general objective(s): Provide quality and timely representation in order to defend the interests of the Commission before the courts and tribunals.		
Specific objective 1: Ensuring quality and timely defence of the interest of the Commission.		Related to spending programme(s): Administrative
Main outputs in 2016: 100% attendance at court hearings of approximately 2.600 ongoing court cases including preparation of the case and filing of required documents in accordance with court procedures.		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	Filing of court documents	100 %
Only administrative	Legal Service attendance at court hearings	100 %

The Legal Service will have an impact on the Commissions' activities for 2016 in all areas of that activity. In particular, since the start of the refugee crisis, national courts have begun to ask more questions on the EU migration and asylum legislation, which is likely to remain in focus throughout the year.

The Legal Service continues to play a vital role in the area of preliminary rulings where it participates in all cases before the court. In 2015, more than 35% of cases opened at the Court of justice were preliminary rulings. The impact of these hearings can be of major importance, as the decisions of the Court may determine the extent of the applicability of Community Legislation.

Again, the impact of the Legal Service in this area can only be estimated by a scrupulous analysis of the cases before the courts and the judgements given.

In order to ensure that the submissions sent to the courts meet the rigorous quality requirements of the Legal Service, the Deputy Director-General and the two assistants in charge of legal coordination select important court cases for which they perform an additional review and analysis in order to assess if all the specific aspects that may be relevant to the particular case have been considered. They thereby contribute to ensuring the coherence and quality of the litigation done by the Legal Service.

Quality and timely infringements

Relevant general objective(s): Ensure full benefits of rules for the European Union citizens by ensuring that the Member States have fully transposed Union Legislation and apply Union Law correctly.		
Specific objective 1: Ensuring full benefits of rules and that Union Law is applied correctly.		Related to spending programme(s): Administrative
Main outputs in 2016: 90% of consultations for new or ongoing infringements to be treated within 10 working days. Administration by the Legal Service of the approximately 1.600 ongoing infringement cases in accordance with the Commission procedure.		
Main expenditure outputs		
Description	Indicator	Target
Only administrative	Reply on n° of infringements within 10 working days	+ 90 %

The Commission, in its role as guardian of the treaties, ensures that Member States apply Union law in a correct and timely manner.

Ensuring that Member States have fully transposed Union Legislation within the set deadlines, applied Union law correctly and implemented Court judgments correctly and in a timely manner, allows the Legal Service to contribute to ensuring that the full benefits of these rules are granted to citizens.

The impact of the Legal Service in this area can be judged not only by the number of infringement procedures currently underway in the Commission, but also by those which are resolved without recourse to the Courts and those which are won (or lost) in Court, as the Legal Service is consulted on every single decision to be taken by the Commission. The Commission attaches high priority to the application and implementation of Union law¹. Control of the legality of the various steps of procedures of all individual cases submitted by the DGs will continue to be an important part of the work of the Legal Service. In this context not only does the Legal Service give its opinion on all cases submitted for decision to be adopted by the College, but with the Secretariat general, it coordinates the monthly infringement adoption process.

The Legal Service, with the Secretariat General, will continue to organise the bi-annual infringement meetings at the level of the higher management to assess the DGs' performance in managing infringement procedures, and ensure coherence through sound legal reasoning and equality of treatment between Member States in similar cases as well as identifying horizontal legal issues.

The Legal Service will continue to monitor internal benchmarks to submit an application to the CJEU after the Commission has adopted a decision to refer a case to the Court.

The Legal Service will continue to ensure specific coordination of the application of article 260§3 TFEU to cases of non-transposition of directives adopted under a legislative procedure.

¹ COM (2007) 502 " A Europe of results"

PART 2. Organisational management outputs for the year

Human resource management

In order to contribute to the Commission general objective requiring the DG's to effectively deploy their resources in support of the delivery of the Commission's priorities and core business, ensuring it has a competent and engaged workforce, which is driven by an effective and gender-balance management and which can deploy its full potential with supportive and healthy working conditions.

Objective 1: Percentage of female representation in middle management		
Source of data: DG HR.		
Description	Indicator	Target
Gender balance	% of female representation in middle management	50%

The Legal Service has good scores in the yearly staff satisfaction survey. It is believed that the flat organisational structure, the level of autonomy and responsibility given to staff and recognition of the work performed by staff as given internally and externally, in particular by the courts is a large part of the reason for this high score.

The organisational structure in the Legal Service has been designed to enable the Service to work in the most efficient and effective manner. The current hierarchic structure has been assessed to best support the activities of the Legal Service and the fact that it has remained stable over the years has allowed for an environment in which staff know what is expected of them and at the same time staff know what their professional perspectives are. Management undertake regular analyses of the legal team's portfolios to ensure that they reflect Commission priorities and the regular reorganisations in the Commission DGs and Services.

Maintaining the well-functioning organisation is a top priority for the Legal Service.

At middle management of the Legal Service, 50% of the Heads of Unit posts are held by women and the Legal Service's intention is to maintain this level. Currently, in the Legal Service, there are two middle management posts, one of which is held by a female.

The Legal Service is also looking into the roles of the assistants which have changed over the years with technical developments and reflecting on how to offer further career development for this category of staff.

Objective 2: Percentage of staff who feel that the Commission cares about their well-being		
Source of data: European Commission Staff Survey 2014		
Indicator 2: Percentage of staff who feel that the Commission cares about their well-being²		
Source of data: European Commission Staff Survey 2014		
Description	Indicator	Target
Baseline (2014) 39.8%	Well-being indicator as of staff survey.	Increase index to 50% by end of 2020
Objective 3: Staff engagement index		
Source of data: European Commission Staff Survey 2014		
Description	Indicator	Target
Baseline (2014) 72%	Well-being indicator as of staff survey.	Increase index to 75% by end of 2020.

With the purpose of increasing staff well-being, management of the Legal Service supports various social events and programs organised during the year such as customised training actions in the legal teams, sport events, leisure activities organised by staff members, blood donations etc.

Financial management

The yearly financial expenditure of the Legal Service is around 5 million €. The internal controls undertaken comply with base line requirements of the Financial Regulation and their efficiency is demonstrated by an error rate below 1 %.

The customised informatics systems used in the Legal Service are designed to make sure that all relevant information for court cases and consultations are archived and can be retrieved if required. There are continuous improvements and developments made to the informatics tools.

Objective 1: Effective and reliable internal control systems giving the necessary guarantees concerning the legality and the regularity of the underlying transactions.		
Main outputs in 2016:		
Description	Indicator	Target
Financial transactions	Error rate	Less than 1%

The effectiveness and reliability of internal control systems concerning legality and regularity of underlying transactions will be assessed based on information from ABAC on the error rate in financial transactions.

² This indicator may be replaced by a fit@work index on which DG HR is currently working.

Objective 2: Effective and reliable internal control in lines with sound financial management**Main outputs in 2016:**

Description	Indicator	Target
Management assessment	Conclusion on efficiency and reliability	yes

The Internal Control Coordinator will undertake an assessment of the effectiveness and reliability of the internal controls in line with sound financial management. The ICC will base this assessment on work performed internally in the Legal Service but also on work performed by externals such as the Internal Audit Service and the European Court of Auditors.

Anti-fraud strategy**Objective 3: Minimisation of the risk of fraud through application of effective anti-fraud measures, integrated in all activities of the DG, based on the DG's anti-fraud strategy (AFS) aimed at the prevention, detection and reparation of fraud.****Main outputs in 2016:**

Description	Indicator	Target
Anti-Fraud Strategy	Implemented, Published and Up to date	Communicated to staff and updates according to schedule.

The Legal Service has implemented its Anti-Fraud Strategy in 2013 and staff have been made aware of it on several occasions. Regular up-dates are foreseen in the AFS, one is scheduled to be undertaken before end of 2016.

Information and document management**Objective 4: Information and knowledge in your DG is shared and reusable by other DGs. Important documents are registered, filed and retrievable****Main outputs in 2016:**

Description	Indicator	Target
% of registered documents that are not filed	0.05%	0%

The Legal Service pays great attention to information and document management, from receipt and attribution to finalisation and archiving and well as ensuring correct handling of the information received.

External communication

All external communication on behalf of the Legal Service is made by the Commission Spokesperson.

Annual communication spending (based on estimated commitments):

Not applicable	
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Annexes to the Management Plan

Annex 1 Performance tables

Not applicable. All performance information reported in the body of the document.

Annex 2. Alignment between the European Union policies, Commission/DG's objectives, ABB activities, interventions and resources

Annex on ABB
activities.xlsx

Annex 3. Planning of evaluations and studies

Not applicable to the Legal Service

Annex 4. Critical risks

No critical risks identified

Annex 5. Associated IT Resources Plan and Priorities

1. IT priorities and business alignment

Table 1 – Main IT priorities per business objective

General/specific objective/other*	IT Investment	Predicted Business Impact	2016 Budget	GovIS2 identifier (Seq Num ^[1])
Implement Work Package 3 for SOLON-KM	SOLON-KM3	KM in general contributes to identify, persist, and share important legal resources (document and others). KM3 promotes the usage of KM amongst the agents and the legal teams. Its evolutions includes an improved scope and ranking management for KM search, a generalisation of customised views (e.g. 'RELEX clickables') with possible integration in new 'My SJ' Intranet, an automation of injection of 'Aperçus de jurisprudence' in KM, improvements in automatic reference detection, plus statistics and metrics made available to business	44400	PRJ-758
Update and integrate JurRev, the tool for the management of legal revisions by Directorate K in the field of "Quality of Legislation"	JURREV-DI	Create links with DECIDE, replace housing by hosting and make current access authorisation functions compatible with HERMES.	39600	PRJ-756
ULM-UI is a major evolution of the ULM family of litigation follow-up systems. An overhaul of the UI and the logical organisation of data groups to make it easier to use by the lawyers of the Legal Service. It also allows a selection of relevant functions to be made available on mobile terminals.	ULM-UI	A better appropriation of the systems by their users. Clearer concepts and inline explicative texts for agents. More efficient usage, fluid usage consistent with the system now supporting a number of business processes of litigation.	44450	PRJ-757

^[1]Please refer only to the GovIS2 sequence numbers (Seq Num) of "Projects" or "Operations", which take the format of "PRJ-xxx" or "OP-xxx".

2. IT Portfolio of the DG

The DG declares that all information provided in GovIS2 is complete:

Yes	
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3. Planned IT expenditure for 2016

Table 3.1 – Heading 5 payment appropriations

Financing source (budget chapter code)	Planned IT expenditure in €						Total
	Infrastructure and office automation		Information systems		Other IT service functions (please specify)		
	Transfers to DIGIT	Local expenditure for services not provided by DIGIT	Transfers to DIGIT	Local expenditure for services not provided by DIGIT	Transfers to DIGIT	Local expenditure for services not provided by DIGIT	
SJ.XX.01.02.11.05	0	0	0	261 614	0	0	261 614
TOTAL	0	0	0	261 614	0	0	261 614

4. IT staffing

Table 4 – Staff estimates

Establishment plan posts		Estimates of non-statutory personnel (in full time equivalent units)		Total
AD	AST	Heading 1-4	Heading 5	
1,60	3,65	0,00	0,00	5,25

European Union policy	General Objective	Specific Objective	ABB activity	Type of intervention	Organisational entity in charge of the related intervention at Unit level or sector level if need be (acronym)
	Provide quality and timely advice to ensure that the highest standards of quality are met in legal drafts proposed by the Commission DGs and services.	Ensuring quality in the legislative drafting and adoption procedure of the Commission	Quality of legislation — Codification of Union law	Other	Directorate K,
	Provide quality and timely legal advice to the Commission DGs and services	Ensuring quality and timely legal advice	Legal advice, litigation and infringement - Legal expenses	Other	Directorate A-J and L-M
	Provide quality and timely representation in order to defend the interests of the Commission before the courts and tribunals	Ensuring quality and coherence of legal opinions given by the Legal Service	Legal advice, litigation and infringement - Legal expenses	Other	All Directorates
	Ensuring full benefits of rules to the European Union citizens by ensuring that the Member States have fully transposed Union Legislation and apply Union Law correctly	Ensuring quality of Union Legislation	Legal advice, litigation and infringement - Legal expenses	Other	Directorate K
	Ensuring full benefits of rules to the European Union citizens by ensuring that the Member States have fully transposed Union Legislation and apply Union Law correctly	Ensuring quality and timely defence of the interests of the Commission	Legal advice, litigation and infringement - Legal expenses	Other	Directorate A-J and L-M
	Ensuring full benefits of rules to the European Union citizens by ensuring that the Member States have fully transposed Union Legislation and apply Union Law correctly	Ensuring full benefits of rules and that the Union Law is applied correctly	Legal advice, litigation and infringement - Legal expenses	Other	Infringement team