



Management Plan 2018

Legal Service



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INTRODUCTION

The Commission, under the presidency of Jean-Claude 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 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 legality and quality of acts of the institution and to defend the legal position 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 essential 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 the College 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 when 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 Directorates-General are transmitted to the Legal Service in good time.

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 2018 Commission Work programme and on assisting the College to transpose the policy priorities of the Juncker Commission into concrete proposals and initiatives.

Particular challenges that may be foreseen for 2018 lie, inter alia, in the preparation of the proposals concerning the next Multiannual Financial Framework, the work needed to strengthen the enforcement of the rule of law in the European Union, to deepen the Economic and Monetary Union, to devise the future energy and climate policy of the European Union and to accompany the withdrawal of the UK from the European Union

The Legal Service continues to strive to contribute to the overall political objectives of the European Commission within the framework of the resources and means available. As a result, internally in the Legal Service, there has been a significant improvement over the past years in the Staff engagement index.

For 2018, the Legal Service will continue with the same five specific objectives which had been identified in the Strategic Plan 2016-2020 and are still relevant for 2018. These have been identified as being the most appropriate and relevant in demonstrating the outcomes to be achieved by the Legal Service.

PART 1. MAIN OUTPUTS FOR THE YEAR

1.1. Quality and timely advice in legislative drafting

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 2018, 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 consultations 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.

Relevant general objective: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

Specific objective 1: 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.

Related to spending programme(s):
Administrative

Main outputs in 2018:

Output	Indicator	Target
Legal-linguistic revision of legal texts by the Quality of Legislation team.	Percentage of selected text - yearly target	Maintain 100 % of selected texts
Legal-linguistic revision in all or several official languages to ensure coherence.	Number of texts reviewed in all or several official languages - yearly target	70 texts
Draft corrections of legal texts in one or more languages	Number of draft correcting texts reviewed - yearly target	340 texts

1.2. Codification, Recast and removal of obsolete acts

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

The technique of recasting permits substantive changes to be introduced to the existing legislative text while at the same time codifying and readopting the whole text. Whilst DGs remain *chef de file* for recast proposals, the Legal Service has important roles in the drafting, revision and verification of such proposals. In 2018, recasting will continue, in particular, in view of the three institutions' renewed commitment to an increased use of the recast technique as confirmed in the Inter-institutional Agreement on Better Law-making of 13 April 2016. 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.

Codifications of legislative acts are elaborated by the Legal Service when necessary to simplify acts which have become over-complex as a result of amendments. In 2018, candidates for codification will continue to be identified together with the Secretariat General and the competent DGs, and will be included in the Commission's annual work programme.

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 recognised 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 2018, the Legal Service will continue updating the *Directory*. The impact of these initiatives can be measured by the reduction in the number of acts contained in the *Directory*.

Relevant general objective: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

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 2018:

Output	Indicator	Target
Ensuring quality in the legislative drafting and adoption procedure of the Commission	Percentage of delivery in accordance with the Agenda Planning (Decide) – yearly target	100%

1.3. Quality and timely legal advice

In view of the fundamental importance of the rule of law as a foundation of the Union, as emphasised by President Juncker in his State of the Union Address 2017 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 measured 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, and the application of EU law will thus be improved. Where the Commission tests the limits of the application of Union Law, a number of cases will be unsuccessful, but the impact even of those cases 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 dealing with 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 perform an additional review and analysis of sensitive consultations which they select or which are flagged to them by the teams in order to assess whether 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.

Relevant general objective: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

Specific objective 3: Provide quality and timely legal advice to the Commission DGs and services.

Related to spending programme(s)
Administrative

Main outputs in 2018:

Output	Indicator	Target
Ensuring quality legal advice at Heads of Cabinets' meetings and Commission meetings by the DG or his replacement.	Yearly target	Maintain 100%
Replies on legal consultations to be given within the set deadline to inter service consultations and to other consultations.	Percentage – yearly target	Maintain 92%

1.4. Quality and timely litigation

The Legal Service will also have an impact on all the Commission's activities for 2018 in the field of litigation. In particular, since the start of the refugee crisis, national courts have begun to ask more questions on EU migration and asylum legislation, which is likely to remain in focus throughout the year. New challenges are presented by an increase of cases in the area of Banking Union (following the decisions of the Single Resolution Board and the Commission on the resolution of Banco Popular).

The Legal Service continues to play a vital role in the area of preliminary references where it participates in all cases before the Court. In 2016, more than 470 of the new cases before the Court of Justice (more than two thirds of all new cases before that court) were preliminary references. The impact of these cases can be of major importance, as the decisions of the Court may determine the extent of the applicability of Union Law.

Again, the impact of the Legal Service in this area can only be measured 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, the assistant in charge of the coordination of litigation 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. Sensitive cases are discussed in meetings chaired by the Director-General. The participants thereby contribute to ensuring the coherence and quality of the litigation work carried out by the Legal Service.

The Legal Service will also continue to assist the Commission in the enforced recovery of unpaid claims, by all legal means. The main part of the enforced recoveries is dealt with in national litigation procedures, in the Member States and in third countries, by a specialised team in the Legal Service.

Relevant general objective: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

Specific objective 4: : Provide quality and timely representation in order to defend the interests of the Commission before the courts and tribunals.

Related to spending programme(s)
Administrative

Main outputs in 2018:

Output	Indicator	Target
Ensuring quality and timely defence of the interests of the Commission	Percentage of filed court documents in accordance with court procedures – yearly target	Maintain 100 %
Ensuring quality and timely defence of the interests of the Commission	Percentage of Legal Service attendance at court hearings – yearly target	Maintain 100 %

1.5. Quality and timely treatment of infringements

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 infringement 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 decision 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 ensure the timely submission of applications 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.

Relevant general objective: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

Specific objective 5: 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
Ensuring full benefits of rules and that Union Law is applied correctly.

Related to spending programme(s)
 Administrative

Main outputs in 2018:

Output	Indicator	Target
Ensuring full benefits of rules and that Union Law is applied correctly	Percentage of replies on n° of infringements within 10 working days – monthly target	Maintain 90 %

¹ C(2016) 8600 - "EU Law: Better results through better application"

1.6. Horizontal objectives

The Legal Service is a knowledge based organisation and as a result, its staff is its most valuable asset and hence, the importance of staff competence, professionalism and commitment is of great significance. The organisational structure, the involvement by the Directors and Heads of Units in daily operations, its system of information exchange up and down in the organisation all contribute to a well-functioning organisation in which staff feel secure about their work and work environment. The Legal Service will continue to monitor the evolution of staff opinions and implement suitable actions to be able to offer an even more attractive work space for its staff.

Horizontal objective 11: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

Impact indicator: Trust in the European Commission

Source of the data: [Eurobarometer](#)

Baseline (spring 2015) 40% tend to trust	Interim Milestone (latest available result in Eurobarometer as per 11-2016)		Target 2020. Indicator mandatory for horizontal services.
	2016-11	2020	
> 40%	38%	> 40%	Increase trust

Impact indicator: Staff engagement index in the Commission

Source of the data: [European Commission Staff Survey 2014](#)

Baseline (2014) 65.3%	Interim Milestone (latest available result from the Staff Opinion survey 2016)		Target 2020. Indicator mandatory for horizontal services.
	2016	2020	
> 65.3 %	72 %	> 65.3 %	Raise

PART 2. MAIN ORGANISATIONAL MANAGEMENT OUTPUTS FOR THE YEAR

A. Human resource management

Objective 1: The DG deploys effectively its resources in support of the delivery of the Commission priorities and core business, has a competent and engaged workforce, which is driven by an effective and gender-balanced management and which can deploy its full potential within supportive and healthy working conditions.

Main outputs in 2018:

Output	Indicator	Target
Fostering equal opportunities in middle management	Number of first appointments of female to middle management in the Legal Service	1 appointment by end of 2018 (referring to the 3 HoU posts in the recruitment process at the end of 2017)
Organisation of a cycle of specific management training for female lawyers	Repeat the cycle of training Number of participants	Repeated cycle of training
Lunch time conferences	Number of events held	Maintain level of 2017
Organisation of various events with the objective to contribute to an increased staff motivation and appreciation through staff well-being	Number of organised events in the fields of sport and other social activities to take place mainly outside of normal working hours.	Maintain level of 2017
Information of staff survey actions, preparation of action plans	Messages to the Legal Service staff to be published on My SJ, actions to be taken	>2 communications on action plans

The HR Modernisation project as laid down in the Communication on Synergies and Efficiencies² continues to be rolled out in the Commission. HR Services for DGs are now delivered by the Account Management Centres (AMCs). Within each DG, the HR Business Correspondent coordinates strategic HR matters and prepares the related decisions to the DG's management plans.

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 hierarchical structure has been closely examined and is considered as being most appropriate to best support the activities of the Legal Service. 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

² SEC(2016)170

regular analyses of the legal teams' portfolios to ensure that they reflect Commission priorities and the regular reorganisations in the Commission DGs and Services.

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

The Quality of Legislation directorate has always been the directorate with most staff members. In order to allow for a functioning organisation of the daily operations, the directorate has been divided into three groups with approximately 20 staff members in each group. Within the Directorate there is also a fourth team providing secretarial assistance.

In the second half of 2017 the Legal Service was granted 3 Head of Unit posts to be deployed in the Quality of Legislation Directorate. The decision enabled the Legal Service to create three units. The recruitment process for the Heads of Units is currently ongoing.

At middle management level of the Legal Service, the target for the recruitment of female middle management (+1) will be respected no later than by end of 2018.

To increase female representation in Middle and Senior Management, the Legal Service has introduced a specific training course for potential female managers. This training action will continue in 2018.

The Legal Service is above Commission average in almost all questions in the biannual Staff Opinion Survey. It is believed that the flat organisational structure, the level of autonomy and responsibility given to all staff members and recognition of the work performed by staff as given internally and externally, in particular by the European Courts is a large part of the reason for this high score.

Based on the 2016 staff opinion survey results, the Legal Service was scoring higher than the Commission average on all but three indicators (out of >60 indicators). On 2/3 of the questions, the Legal Service received higher scores compared to the results in the 2014 Staff Opinion Survey. To address the areas in which the results had declined and for which the Legal Service has the means to influence them, the Legal Service has already implemented a first action plan and intends to continue to develop further action plans with the purpose of increasing staff satisfaction.

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.

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

B. Financial Management: Internal control and Risk management

Objective 1: Effective and reliable internal control system giving the necessary guarantees concerning the legality and the regularity of the underlying transactions

Main outputs in 2018:

Output	Indicator	Target
Maintain the residual error rate on payments	Residual error rate	<1%

Objective 1: Effective and reliable internal control system giving the necessary guarantees concerning the legality and the regularity of the underlying transactions

Main outputs in 2018:

Output	Indicator	Target
All transactions are reviewed ex-ante by the financial cellule to ascertain respect of the Fin. Reg. and the contractual conditions. Deviations reported to the internal control officer.	Transactions made in accordance with the financial circuit.	100%
Exceptions, non-compliance	% of identified exceptions and non-compliance in relation to: n° of Court hearings, n° of Missions and n° of payments)	Zero exceptions <1% of non-compliance in missions <2% of non-compliance in external contracting
Training in the financial circuit and the standard contract	Number of training sessions held.	2 per year

The yearly financial expenditure of the Legal Service is less than 4 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 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.

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 2: Effective and reliable internal control system in line with sound financial management.

Main outputs in 2018:

Output	Indicator	Target
Timely execution of payment	Average payment delay	<20 days
Open recommendations from European Court of Auditors (ECA) and the IAS	Number of critical recommendations from ECA and/or IAS overdue for more than 6 months	None
Cost effectiveness of controls for legal expenditure	Assessment of cost effectiveness of controls for legal expenditure	Maintain
Effectiveness of controls carried out	Number of exceptions and non-compliance events. Number of decisions overriding of controls	Keep stable/reduce Zero

By the appointment of the RMIC (Resource Manager for Internal Control) at the end of 2017, the Internal Control Coordinator function will no longer exist.

The Internal Control activity continuation will be ensured by the new RMIC function and this person will continue to work towards the improvement of internal controls by undertaking an assessment of the effectiveness and reliability of the internal controls and by suggestions to management on measures to improve it. The ICC will base this assessment on work performed internally in the Legal Service but also on work performed by external bodies such as the Internal Audit Service and the European Court of Auditors.

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 2018:

Output	Indicator	Target
Drafting a new Anti-Fraud strategy in line with the instructions from OLAF including the Anti-Fraud assessment and an action plan	Management adoption of the new Anti-Fraud strategy and publication of it	Adoption and publication at the beginning of 2018.
Yearly instruction to Directorates to raise awareness of the anti-fraud strategy	Part of the yearly Risk Management and Internal Control meeting structure.	100% of Directors/HoU followed by a general awareness reminder in the Chef de File meeting.
Increased awareness of the Anti-Fraud Strategy by yearly publication of it on MY SJ	N° of staff having read the Anti-Fraud Strategy published on MY SJ	40% of staff

Based on previous years, external contracting amounts to some 1.5 million €, 55% of the contracts are for less than 5 000 € and only 15 % of the contracts for amounts higher than 15 000 €. Management regularly monitors contract statistics to ensure that the policy is respected to continuously seek new legal expertise to contract.

The Legal Service has implemented its Anti-Fraud Strategy in 2013 and staff have been made aware of it on a number of occasions. During the autumn of 2017, OLAF has organised meetings to obtain input to the Anti-Fraud assessment of the Commission. The Legal Service has prepared its Anti-Fraud assessment and schedules to prepare a new/updated Anti-Fraud Strategy at the beginning of 2018 based on new instructions from OLAF.

C. Better Regulation

The Legal Service contributes significantly to the Better regulation agenda, in particular through the work performed by the Quality of Legislation team. Its advice in the legislative drafting procedure renders valuable and appreciated added value to the owner DG of the legislative draft as well as to DG Translation and ultimately to all citizens of the European Union.

In the Legal Service, this activity is considered to be operational and the objectives and performance indicators are therefore already presented in the first section of the Strategic Plan.

D. Information management aspects

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.

Objective 1: Information and knowledge in your DG is shared and reusable by other DGs. Important documents are registered, filed and retrievable.

Main outputs in 2018:

Output	Indicator	Target
Ensuring retrieval of documents	Percentage of registered documents that are not filed – yearly target	All documents registered in the LS or received by the LS are filed (99,9%)
Revamping the overall electronic management activity by making all LS colleagues aware of the huge importance of document management in and for the LS	A LS working party establishes the LS Charter of document management Internal training for Newcomers will be organised	The LS Charter of document management in place 4 training sessions to be held.
Sharing the LS tool Ref2Link with the My IntraComm Community	Presentation of the tool and helping DGs to get started	Ref2Link in use by 2 pilot DGs
Development of templates for Court procedural documents in all official languages	Number of standardised documents made available to staff in all official languages	15 templates to be developed by end of 2018
Transfer of infringements cases (paper files) to the Historical Archives. To be fully completed by 2019.	Percentage of infringement files transferred	90% Legal Service infringement files transferred
Further implementing e-Domec policy: use of e-signataire	Use of e-signataire in the Legal Service.	50% of documents registered via e-signataire.

E. External communication activities

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

F. Example(s) of initiatives to improve economy and efficiency of financial and non-financial activities of the Legal Service

The Quality of Legislation, InfoDoc and IT teams in the Legal Service will work on the development of standardised documents and letters in all official languages for communication with the courts. The templates will be made available to all Legal Service staff. These documents, when established, will ensure quality and coherence and, hence, contribute to efficiency gains for the Legal Service