



European
Commission

Management plan 2022

LEGAL SERVICE

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INTRODUCTION

The management plan of the Legal Service presents how the Legal Service will plan and execute its activities in 2022.

The main focus will be on the its two core activities, delivery of legal advice, including legal revision, to Commission services and the College and legal representation of the Commission before the Union courts, as well as national and international courts and tribunals. The management plan sets out how the work will be organised internally to be as effective and efficient as possible.



The mission of the Commission's Legal Service is rooted in the provisions of the founding Treaties and in the specific institutional functions and responsibilities assigned to the Commission, in particular as guardian of the Treaties. It is in this context that the Legal Service occupies a fundamental position within the structure of the Commission.

Its mission is to advise and represent the Institution and in performing those tasks, to ensure that the law is respected, thereby contributing to upholding the rule of law. In particular, as a single, horizontal service, under the direct authority of the President of the Commission ⁽¹⁾, Ursula von der Leyen, it:

- Provides independent legal advice to the Commission as a whole, in order to assist it to achieve its policy objectives. Taking the time to consider carefully all relevant elements of law and fact, and to listen to all points of view, it guides the institution as to the limits of, and opportunities provided, by the law, based on its best assessment of how the law is to be interpreted and applied;
- Represents the Institution before the EU, national and international courts and arbitration bodies. In so doing, it pursues the enforcement of EU law and defends measures attributable to the Commission and/ or the European Union. The Legal Service also assists the Court of Justice by presenting the Commission's position in all preliminary reference procedures that are notified to the Commission. It informs judges and arbitrators as *amicus curiae* on relevant points of EU and international law;

⁽¹⁾ Decision P(2019) 1 of 1.12.2019.

- Provides advice to the Commission in its legislative and regulatory tasks seeking to ensure that all legal texts adopted by the Commission fully respect the Treaties and are drafted with the necessary legal clarity and in the interest of EU citizens.

The Legal Service continuously strives to achieve, maintain and develop legal excellence in all aspects of its work and adheres to the highest ethical standards



By the nature of its activities and as a Presidential Service, both through its advisory role and its litigation role, **the Legal Service contributes to all six priorities of the von der Leyen Commission**, in particular to:

- **General objective n° 6:** A new push for European democracy as the Commission is the negotiator for the accession of the European Union to the European Convention on Human Rights (ECHR). The Legal Service as lead service is conducting the ongoing negotiations at technical level.
- **General objective n° 7:** A modern, high-performing and sustainable European Commission, in accordance with Article 17 TUE and in compliance with the Treaties.

Following the Covid-19 pandemic in which Legal Service staff have performed incredible work; the organisation in 2022 of the return of staff to work in the office will follow instructions from national authorities and DG HR. Teleworking, shift organisation of staff working in the office; on-line meetings to the extent possible etc. are expected to continue to be the preferred working alternatives during, at least, the beginning of 2022.

PART 1. Delivering on the Commission's priorities: main outputs for 2022

The Legal Service, as an in-house legal counsel to the Commission has two recurring activities, namely:

- to provide legal advice in all areas of EU and international law. In accordance with the Rules of Procedure of the Commission, the Legal Service is to be consulted on all drafts and proposals for legal instruments and all documents that may have legal implications.
- to defend the interests of the European Union and the Commission before courts and tribunals. It represents the European Commission in litigation in the Union Courts, arbitration tribunals and in national courts. It also defends the interests of the European Union before the national courts of third countries, before international courts and the European Court of Human Rights, in international dispute settlement bodies such as the World Trade Organisation (WTO) and in international arbitration bodies.

These two main activities contribute to all of the six priorities of the European Commission led by President von der Leyen. Within the Legal Service, the following teams deal with the six priorities:

A European Green Deal: the MIME team (*Internal market, energy, Euratom, environment*), the AGRI team (*Agriculture & Fisheries*), the SOC team (*Social & employment, consumer protection*), the Trade team (*Trade & WTO*) and the EEI team (*Eurozone*) and the BUDG (*Budget, customs & taxation*) team will work, in particular, on these issues.

An Economy that works for all people: the EEI, the SOC, the MIME, the Trade, the Business law and information society team, the COMP (*Competition*), the AIDE (*State aid*) and the BUDG teams will have particular input to make.

The Affair team and the MIME team will mainly be involved and contribute to **A Europe fit for the digital age**.

Promoting our European way of life, the JLS (*Justice, freedom & security*), SOC and INST (*Institution*) teams will be involved.

The RELEX (*External relations*) and TRADE teams will be responsible for ensuring the global quality of the proposals concerning: enlargement, governance in neighbourhood, development and humanitarian aid, and trade and investment agreements, thus contributing to **A stronger Europe in the world**.

New push for European democracy: the JLS and INST teams will be closely involved. The negotiations on the accession to the European Convention on Human Rights (ECHR) come under the responsibility of the INST team in association with the RELEX team.

The LEG team (Quality of Legislation) contributes to all six priorities.

Furthermore, the Legal Service is specifically in charge of the negotiating accession to the European Convention on Human Rights on behalf of the European Union, and

To meet the requests for legal advice and legal representation, the Legal Service has highly skilled, competent and committed staff and a flat organisational structure in which the work and staff are organised by area of Union legislation, with the Quality of Legislation team which is specialised in the drafting aspects of legal acts.

A. Legal advice

In its advisory role, **the Legal Service assists the Commission and its DGs and Services** in all areas of the Commission's activities:

Provide legal advice to the President and the Commission in its functions of:

- development of legislation. The Legal Service notably provides legal advice in the preparation of legal acts and legislative proposals (content and drafting)
- conducting international negotiations
- acting as the guardian of the Treaties
- exercising its powers to adopt Implementing and Delegated acts.

These tasks mean that the Legal Service has extensive horizontal duties as provider of legal advice to the President and the Commission. These tasks contribute to **General objective n° 7: A modern, high-performing and sustainable European Commission**. To enable the Legal Service to perform its mission effectively, it must be consulted in advance on all documents to be put before the Commission. Its advice, by ensuring the legal soundness of the proposals, can lead to a reduction in the number of court cases brought against the Commission; hence, it contributes to efficiency gains throughout the Commission.

The work in the Legal Service is highly reactive and often time-sensitive. Already at the earlier stages of the legislative drafting process, the Legal Service provides informal advice. Deadlines for most of the formal consultations are between 48 hours and 10 working days.

The Legal Service issues legal opinions on some 16.000 consultations per annum of which around 10.000 are draft legal acts brought forward for adoption by the Commission. The Legal Service gives its opinion on all of them. It also replies to approximately 6.000



parliamentary questions, requests from the Ombudsman, petitions and access to documents.

The number of consultations shows a slight increase over the years. The areas from which they arise vary more significantly from year to year. The flexibility of the internal organisation enables the Legal Service to meet all incoming requests for any specific area of Union legislation.



The weekly work in the Legal Service is organised to provide the Director General with all relevant information, in any area of the Commission's activities, to enable him to deliver legal advice in the meetings of the Heads of Cabinets and the Commissioners (College). The Director General of the Legal Service attends all these meetings.

Incoming requests for legal advice are distributed to the responsible team or teams. The Director in each team will allocate the work to the lawyers in accordance with the internal distribution of tasks. During the weekly team meetings, consultation requests of particular importance are discussed with the purpose of ensuring that all relevant aspects are considered and, should it be needed, that other teams are contacted to provide their input. Furthermore, the Director General ensures the necessary legal coordination so that the horizontal aspects of consultations will be considered and coherence in the legal advice given by the Legal Service is maintained.

During the initial phase of new proposals for legal acts, the responsible team will provide all the necessary legal advice to the operational DG.

The Quality of Legislation team will provide its advice and expertise to ensure that draft legal acts comply with the rules on legislative drafting and are written in such a way that they can be translated effectively in a legally consistent way into all official languages. The Quality of Legislation team will inform the responsible team of its observations and suggestions. These are incorporated into the formal Legal Service replies to consultations.

Replying to legal consultations will, by its nature, contribute to Specific objective n° 1 (Legal proposals for adoption by the Council and the Parliament are transparent and of high quality to ensure full benefit of rules for the European citizens) in the Strategic Plan for 2020-2024.

General objective 7: A Modern high-performing and sustainable European Commission

Specific objective 1: Legal Proposals for adoption by the Council and the Parliament are transparent and high quality to ensure full benefit of rules to EU citizens

Related to spending programme: Administrative

Main outputs in 2022:

Other important outputs

Output	Indicator	Target
Legal advice to the President and the Commission	Attendance by DG in Commission and Heads of Cabinet meetings	100 %
Average reply rate to Consultations	% of replies within deadlines	92 %
Reply to all Fast Track consultation within deadline	% of replies within deadlines	100 %
Reply to consultations on replies to Parliamentary questions within deadline	% of replies within deadlines	99 %
Reply to Decide consultations within deadline	% of replies within deadlines	87 %
Reply to Petition consultations within deadline	% of replies within deadlines	95 %
Reply to consultations on replies to questions from the Ombudsman within deadline	% of replies within deadlines	95 %
Reply to Access to document requests within the standard time limit	% of replies within deadlines	90 %

Performance table for legal advice

Consultations registered in ARES are projected to increase by 10% in 2022 compared to previous years. Legislative acts, registered in Decide, are expected to increase to around 10.000. Parliamentary questions are expected to remain around 6.000.

For 2022, the Legal Service expects a considerable number of consultations given the very busy Work Program of the Commission for 2022 including the priority files postponed to 2022. The Legal Service will provide its legal advice to all of the initiatives, whenever requested; to enable a more sustainable environment for European citizens through the Green Deal, to prepare for the future by making Europe more fit for the digital age, to implement instruments to the benefit of European citizens and to enable European companies to become more competitive through an Economy that works for people, to promote a global perspective on security aspects by making a stronger Europe and to build further on the European way of life and on European Democracy. Topics such as rule of law and Brexit are also expected to lead to different requests for legal advice, often within tight deadlines.

On the next page, the number of different kinds of requests for legal advice is presented and their respective reply rates for 2019 and 2020, as well as estimated figures for 2022.

Performance table 1: Requests for Legal Advice per category and year								
Type of consultation	2019 actual	2019 reply rate	2020 actual	2020 reply rate	2021 (10 months)	2021 reply rate	2022 predicted	2022 Target reply rate
Total consultations registered in ARES ⁽²⁾	13 503		15 336		14 800		16.000	
of which are Registered in Decide	8 002	87%	8 934	88%	8 866		10 000	88%
Fast track (reply within 48 h)	152	100%	144	100%	85		120	100%
Parliamentary questions	4 400	99%	6 853	99%	4 981		6 000	99%
Petitions	729	95%	768	95%	677		800	95%
Requests from the Ombudsman	65	70%	39	74%	56		60	70%
Access to Documents	275	100%	209	100%	175		200	90% ⁽³⁾
Average reply rate		91%		>93%		>92%		>92%

B. Legal revision

The Quality of Legislation team contributes to the quality of draft legal acts by giving advice on how to improve legislative drafting. The advice from the Quality of Legislation team contributes to efficiency gains in the further steps of the legislative procedure and therefore contributes to **General objective n° 7: A modern, high-performing and sustainable European Commission**.

The contribution of the Quality of Legislation team in the legislative process has a positive impact on the work to be undertaken at the next stage and increases the efficiency by enabling more transparency, accuracy and legal consistency in the final drafts and draft proposals to be translated into all language versions. Well-drafted legal acts will enable

⁽²⁾ Detail on ARES consultations per team can be found in annex 1.

⁽³⁾ New indicator for 2022: 90% of replies to be given within the standard time limit

better and more accurate translation into all official languages of the Union and therefore legal clarity and certainty.

The services provided by the Quality of Legislation team are both proactive and reactive. From all legal acts registered in *Decide*, the Quality of Legislation team will select acts for revision based on several parameters. Based on that revision, it will also select certain texts for multilingual coherence reviews. Occasionally, the Quality of Legislation team may also be involved at a pre-consultation stage. As the lead service, it will also work together with the Commission DGs and Services on codification i.e. formal re-adoption of an act with all its applicable amendments incorporated.



The Quality of Legislation team will continue to provide training to DGs to improve legislative drafting. In the framework of the digitalisation of work procedures, the Quality of Legislation team follows and contributes to the development of digital techniques and tools for the elaboration of legislation.

The work performed by the Quality of Legislation team contributes to Specific objective number 1 (Legal proposals for adoption by the Council and the Parliament are transparent and of high quality to ensure full benefit of rules to EU citizens) in the Strategic Plan for 2020-2024.

General objective 7: A Modern high-performing and sustainable European Commission

Specific objective 1: Legal Proposals for adoption by the Council and the Parliament are transparent and high quality to ensure full benefit of rules to EU citizens

Related to spending programme: Administrative

Main outputs in 2022:

Other important outputs

Output	Indicator	Target
All selected draft legal proposals to undergo legal revision	% of selected texts	100%
All identified acts to be codified as of the Commission agenda planning 📅	% of identified acts	100%
Number of legal revisions in two or more official languages	Number of texts	>100
Number of corrigenda	Number of texts	>250
Development of digital tools for legislative drafting	Continuous development	

Performance table for legal revision

The number of selected drafts is expected to remain at the current level. The number of reviewed pages is expected to remain at the same level in 2022 as compared to 2021 and 2020. As for codifications, each year the team establishes a list of acts which should be codified and proposes codifications accordingly to the DGs. Recast ultimately depends on the competent DGs, but the team gives advice on whether a recast is more suitable than an amendment.

The table below presents the work of the Quality of Legislation team performed in previous years and the targets for 2022.

Performance table 3: Revision of draft legal acts and other work by the Quality of Legislation team					
	2019 (actual)	2020 (actual)	2021 (target)	2021 (predicted)	2022 (target)
Number of draft legal acts selected to undergo legal revision	1914	1.695	> 1.800	>1900	> 1.800
Percentage of selected legal drafts to undergo legal revision	100%	100%	100%	100%	100%
Number of legal texts revised in two or more languages	150	89	80	>90	~80
Number of corrigenda to legal acts	394	395	340	>335	>300
Number of legal acts to be codified according to the Commission Agenda Planning	3	5	4	>3	>3
Percentage of legal acts codification	100%	100%	100%	100%	100%
Number of reviewed pages	38.000	41.000	38.000	>42.000	38.000

C. Legal representation

Defending the interests of the European Commission before courts and tribunals

is the other main task of the Legal Service. The Legal Service has the exclusive task of representing the interests of the European Commission before:

- the Court of Justice and the General Court of the European Union;
- national courts, both in the Member States and in third countries, in cases where the Union or the Commission are parties. A significant proportion of the cases in national courts concerns forced recovery of debts (60 % in 2020);
- the European Free Trade Association court (EFTA);
- the exclusive task of representing the European Union, on behalf of the European Commission, in dispute settlement procedures under the World Trade Organisation Agreement (WTO) and other international agreements;
- arbitration bodies;
- international courts and the European Court of Human Rights.

The Director General of the Legal Service is empowered by the Commission to designate the agents (i.e. responsible lawyer) to represent our Institution before the courts. Defending the interests of the Commission contributes to **General objective n° 7: A modern, high-performing and sustainable European Commission.**

The Commission may:

- act as an applicant, for instance in the case of an infringement of EU law by a Member State, or to challenge an act taken by another institution;
- act as a defendant, as in the case of an action for annulment of one of its acts or in the case of a failure to act;
- intervene in actions brought against another Institution;
- the Commission also systematically intervenes as *amicus curiae* in all preliminary ruling procedures before the European Court of Justice.

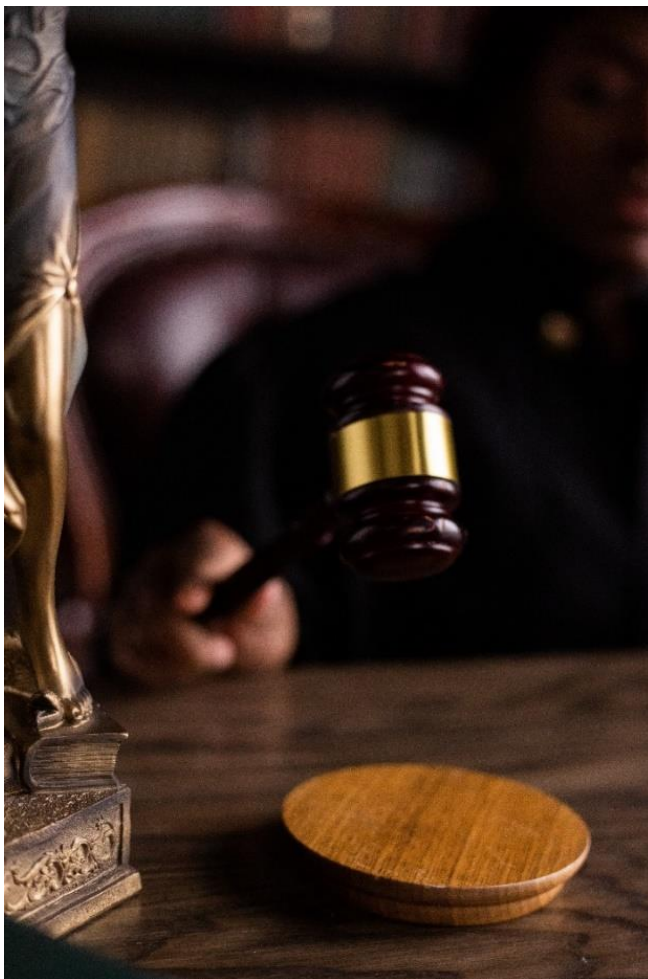
The average duration of a court case is approximately 2 years. However, there is also an increasing number of urgent cases dealt with in tight deadlines, e.g. urgent preliminary ruling proceedings in the area of Justice and Home affairs in particular.

The Courts have resumed physical hearings in 2021, which is expected to continue in 2022.

The Rules of Procedure of the Court of Justice require the Commission's agents to present their written and oral statements in the language of the case. To meet this requirement, the Legal Service has lawyers from all Member States. In this way, it pools knowledge of all the Union legal systems and in all the official languages.

Incoming court cases are allocated to the competent team. The Director in the team will allocate it to a subject lawyer, who will be the main agent responsible for the case. At least one co-agent will also be designated, either as a language agent or as back up. Court cases will be assessed and an approach agreed on with the Director or another senior colleague. Coordination meetings with lawyers from several teams and with Legal Service Senior Management are organised for the preparation of a court case, should it be of particular political or legal interest or for other horizontal aspects. In sensitive cases, where the line requires political steer or is otherwise sensitive, the line to take is submitted to the responsible cabinets, as well as to the Cabinet of the President.

Preliminary rulings



When a national court is required to apply EU law in a case, it can (and in the case of last-instance courts, must) ask the Court of Justice whether a Union instrument is valid and/or how an instrument or a Treaty provision is to be interpreted in a given case. The Court of Justice rules on the interpretation of Union law and checks the validity of Union legislation. However, it has no jurisdiction to interpret national law.

The preliminary ruling procedure also plays a major role in protecting individual rights since individuals, subject to certain conditions, can challenge measures taken in their country in breach of Union legislation and can have Union law applied by the national courts.

Representing the Commission, the Legal Service intervenes in all preliminary ruling cases on how to interpret EU law.

Defending the interests of the European Commission contributes to Specific

objective n° 2 (Guarding the Treaties and defending the interests of the European Commission in courts, tribunals and other arbitration bodies to ensure the full benefit of the law for all EU citizens) in the Strategic Plan for 2020-2024.

General objective 7: A Modern high-performing and sustainable European Commission

Specific objective 2: *Guarding the Treaties and defending the interests of the European Commission in courts, tribunals and other arbitration bodies to ensure the full benefit of the law for all EU citizens*

Related to spending programme: Administrative

Main outputs in 2022:

Other important outputs

Output	Indicator	Target
All written documents are filed at the courts within deadline	Percentage of filed documents within deadline	100 %
Presence of a member of the Legal Service in all hearings in the Courts of the Union	Percentage of presence	100 %
Presence of an appointed national lawyer or member of the Legal Service in national court hearings	Percentage of presence	100 %

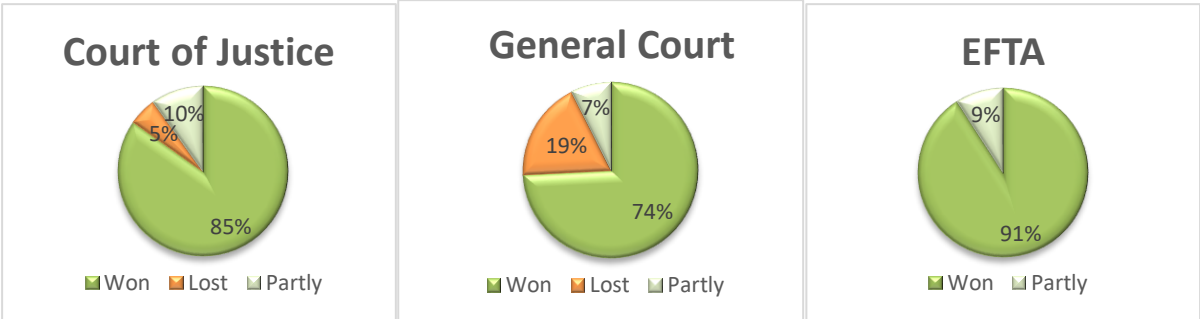
Performance table on court cases

The table below presents the various types of court cases and other cases undertaken by the Legal Service in 2019 and 2020 and estimated figures for 2021 and 2022.

Performance table 2: Number of cases per year and per jurisdiction					
Jurisdiction	Cases ⁽⁴⁾	2019	2020	2021 (10 months)	2022
Courts of the Union	On-going cases	1 923	1 956	1.967	2.000
	New Cases	1 465	1 098	1 026	1 200
	Closed Cases	1 218	1 065	941	1 100
whereof: Infringement cases	On-going cases	56	45	19	25
	New Cases	34	16	16	20
whereof: Preliminary Rulings	Notified cases	655	569	500	600
National Courts	On-going cases	631	689	730	700
	New Cases	154 ⁽⁵⁾	63	130	140
WTO	On-going cases	91	92	95	95
	New Cases	32	9	8	10
Arbitration cases	On-going cases	152	164	161	160
	New Cases	35	28	14	20

There was a temporary drop in new and closed cases in 2020 resulting from the Covid-19 pandemic. The predicted 2021 figures are comparable with 2019. There is an increase in the number of ongoing cases in the Courts of the Union. The average duration of a court case remains at around 2 years.

The results of cases closed in 2020 with a court decision show that the Legal Service won in 85% of Court of Justice cases and 74% in cases in the General Court, and was partly successful in additional cases. The Legal Service lost less than 10% of cases before the courts as presented in the pie charts below.



⁽⁴⁾ Figures for On-going cases are indicative.

⁽⁵⁾ 83 cases brought before national jurisdictions and 71 non-judicial cases (legal opinions, pre-litigation procedures,...)

Approximately 2/3 of litigation before national courts concerns the recovery of debts to the EU budget in which the Legal Service appoints and instructs external lawyers to represent the Commission.

The Legal Service assists the European Commission in all bilateral and multilateral trade negotiations, including at the World Trade Organisation (WTO). The Legal Service has the exclusive task of representing the European Union, on behalf of the European Commission, in State-to-State dispute settlement procedures under the WTO Agreement and other international trade agreements, as well as in investor-to-State arbitrations and before international courts, courts of third countries and the European Court of Human Rights.

The relatively high number of WTO cases, 95 at year-end 2021, is expected to stay at the same level in 2022.

As per end of October 2021, there have been 14 new arbitration cases registered and 161 ongoing. The number of arbitration cases is expected to remain at around 160 ongoing cases in 2022.



The number of ongoing infringement proceedings at the end of 2020 was approximately 1.600. There were some 900 new procedures registered and some 750 closed in 2020. 2021 is expected to have similar figures and no major change is expected for 2022. Out of all infringement proceedings in 2021, 32 resulted in court referrals.

The number of preliminary rulings has increased over the past few years. In 2020, there were 569 preliminary rulings by the Court of Justice and EFTA Court. There is no significant variation expected for 2022.

D. Negotiations on accession to the European Convention on Human Rights

The Legal Service is responsible for **negotiating, on behalf of the European Union, accession to the European Convention of Human Rights (ECHR).**

Accession of the European Union to the European Convention on Human Rights has been an objective of the EU for many years and would be an important milestone in the protection of human rights and fundamental freedoms across Europe. Accession to the European Convention on Human Rights (ECHR) contributes to **General objective n° 6: A new push for European democracy.**

In 2013, negotiators for each of the 47 Member States of the Council of Europe and for the European Union reached an agreement on the EU’s accession to the ECHR. However, in its Opinion 2/13 of 18 December 2014, the Court of Justice of the EU held that the draft agreement of 2013 was incompatible with the EU Treaties. Therefore, the agreement would have to be amended based on the issues raised in the Opinion in order to make accession possible for the EU. In September 2020, negotiations for the accession of the EU to the ECHR were relaunched.



Within the Legal Service, the INST (Institution) team leads the negotiations for accession to the ECHR, in association with the RELEX team. Opinion 2/13 of the Court of Justice serves as the Legal Service’s guide in the negotiations. EU accession can only be achieved by addressing the concerns of the Court of Justice fully. The successful conclusion of the negotiations on the required amendments to the draft Accession Agreement will depend on the political attitude of the main Council of Europe states outside the Union. There have been five rounds of negotiations in 2021 and several rounds have already been scheduled for 2022.

The work undertaken by the Legal Service on the negotiations on the accession of the European Union to the European Convention of Human Rights contributes to Specific objective number 3 (Negotiations on the accession for the European Union to the European convention on Human Rights) in the Strategic Plan for 2020-2024.

General objective 6: A new push for European democracy
Specific objective 3: Negotiations on the accession for the European Union to the European convention on Human Rights (ECHR)
Related to spending programme: Administrative

Main outputs in 2022: Progress in the negotiations on the accession to the European Convention on Human Rights (ECHR)

Other important outputs

Output	Indicator	Target
Regular communication on the progress in the negotiations to accede to the ECHR	Number of reports	>2 reports per year

PART 2. Modernising the administration: main outputs for 2022

The Covid-19 pandemic is expected to continue to impact on staff and work organisation in 2022, therefore health and well-being will continue to be the main priorities for the coming year.

The internal control framework ⁽⁶⁾ supports sound management and decision-making. It notably ensures that risks to the achievement of objectives are taken into account and reduced to acceptable levels through cost-effective controls.

The Legal Service has established an internal control system tailored to its particular characteristics and circumstances. The effective functioning of the service's internal control system will be assessed on an ongoing basis throughout the year and be subject to a specific annual assessment covering all internal control principles.

A. Human resource management

Reform of the Legal Service – an ambitious program of reform

In 2021, the Legal Service put in place an ambitious Reform strategy involving a 360° evaluation of its internal organisation, human resources, procedures, talent management and IT. The Reform process has received full support of all colleagues and 20% of Legal Service staff are actively involved in one of the four working groups established for this reform work.

Group 1: Organisation of the Legal Service

Group 2: Working methods and processes

Group 3: Talent management

Group 4: IT and knowledge management

The purpose of the reform is to modernise the functioning and structure of the Legal Service and aims at improving its overall efficiency mainly on two fronts: its working methods and procedures (including the administrative procedures, collaboration between the teams, talent management, recruitment etc.) and its working environment (including well-being, IT tools, Knowledge Management, internal communication etc.).

The results of these working groups will be made available by end of 2021 and will have a significant impact in 2022 with the implementation of the recommendations stemming from these groups and agreed by senior management.

The Legal Service attaches great importance to human resource management and puts the engagement and career development of its staff at the core of its objectives. The objective of the Director-General of the Legal Service has been to align the recommendations of the reform process with the new HR Strategy of the Commission, which will guide the DGs and

⁽⁶⁾ [Communication C\(2017\)2373 - Revision of the Internal Control Framework](#)

Horizontal Services into new ways of working in 2022. In order to ensure the effective management of human resources and to optimise its capacity to deliver on the priorities of this management plan, the Legal Service will develop a local HR strategy in the coming 3-5 years and it will be consistent with the corporate HR strategy and which will be based on the recommendations from its 360° Reform process.

It is considered that the work of the reform groups will encourage staff engagement, in particular through the work of the Reform group n° 3, which has examined issues such as well-being and work/life balance, and will allow the Legal Service to maintain its current high level of staff engagement.

It is in this context that maintaining a well-functioning organisation is a top priority for Legal Service's management. Continuous analysis of the legal teams' portfolios will be undertaken during 2022 to ensure that they reflect Commission priorities and the regular reorganisations in other Commission DGs and Services.

Currently, three out of five Heads of Units are female. The Legal Service will continue to encourage female colleagues to prepare for a managerial career by applying to and participating in the Female Talent Development Programme 2022. Furthermore, the Legal Service will, once again, provide specific training for potential female managers.

Objective: The Legal Service employs a competent and engaged workforce and contributes to gender equality at all levels of management to effectively deliver on the Commission's priorities and core business.

Main outputs in 2022:

Output	Indicator	Target
Management training for female staff	N° of participants N° of Legal Service management training for female lawyers	2 participants (=100% of places provided by DG HR) One cycle of training for female lawyers
Sharing knowledge by organising lunch time conferences	N° of lunch time conferences	>16 per year
Local HR strategy for the Legal Service based on the new corporate HR strategy	Draft HR strategy to be prepared in 2022	2022

B. Sound financial management

The Legal Service has an annual administrative expenditure of approximately EUR 4 million. More than 90% of total spending is for contracted external lawyers and other legal expertise, and for payments to opposing parties to compensate them for their legal fees, as decided by the Courts.

The most common reason for contracting an external lawyer is for national court cases where only a qualified national lawyer can plead, where expert knowledge is required or where a particular language skill is needed.

The financial procedures in the Legal Service comply with baseline requirements. The majority of contracts signed are low value contracts. 85% of all contracts signed in 2020 were below EUR 15.000. Most contracts will be split into three or more invoices, some of them are for amounts below EUR 1.000.

The centralised financial circuit, the low number of erroneous payments (two over the past 7 years) and the absence of detected irregularities all contribute to a low estimate of “amount at risk at closure”.

The remaining expenditure is for IT investments and training.

Legal Service staff undertake missions to defend the interests of the European Commission. The Legal Service will duly take into account the initiatives on the Greening of the Commission in this area. More than 80% are missions to hearings at the European Courts in Luxembourg. The mission costs dropped in 2020 due to the Covid-19 pandemic restrictions, where no court hearings were held during certain periods. It is expected to return in 2022 to an amount of approximately EUR <0.5 million, committed by the Legal Service but paid by the PMO.

Objective: The authorising officer by delegation has reasonable assurance that resources have been used in accordance with the principles of sound financial management and that cost-effective controls are in place which give the necessary guarantees concerning the legality and regularity of underlying transactions.

Main outputs in 2022:

Output	Indicator	Target
Effective controls: Legal and regular transactions	Risk at payment	Remains < 2 % of relevant expenditure
	Estimated risk at closure	Remains < 2 % of relevant expenditure
Effective controls: Safeguarded information	Number of breaches	Zero breaches
Efficient controls	Time-to-pay	>95% of payments (in value) on time
Economical controls	Overall estimated cost of controls	Remains < 8.5% of funds managed

C. Fraud risk management

In the implementation of the Legal Service anti-fraud strategy, the Service will continue with biannual meetings of the working group for handling of sensitive information and ethics in which assessments will be conducted on reported breaches, new guidelines and instructions will be updated or issued. This will ensure that staff confirm their ethics awareness and that all teams dedicate a meeting to raise fraud awareness among staff. An update of the Legal Service Anti-Fraud strategy is foreseen for 2022.

Objective: The risk of fraud is minimised through the application of effective anti-fraud measures and the implementation of the Commission Anti-Fraud Strategy (CAFS) ⁽⁷⁾ aimed at the prevention, detection and correction ⁽⁸⁾ of fraud.

Main outputs in 2022:

Output	Indicator	Target
Assessment of reported breaches, updates of guidelines and instructions, and issuance of new guidelines and instructions.	N° of meetings held by the working group for Ethics and Handling of Information	2 times per year
Ensuring that the ethics rules are known by all staff in the Legal Service	Yearly confirmation of ethics awareness	>90 %
Improvement of fraud awareness in the Legal Service	Legal teams to be instructed to address fraud risks and the Anti-Fraud Strategy in a team meeting	to be addressed once a year in all teams
Regular updates of the Legal Service anti-fraud strategy	Updated version has been approved and published	Before year end 2022

D. Digital transformation and information management

In line with the corporate data governance policy, which requires a clean separation of data, business logic and user experience components, a new version of the information system **ULM** (Unified Litigation Management) for the follow-up of litigation proceedings in front of the European Court of Justice and international jurisdictions is now in production. It includes specialised modules for dispute settlements at the World Trade Organisation (WTO) and the follow-up of national litigation.

In addition, the migrated version of the system for the follow-up of recovery orders sent by DG Budg to the Legal Service **RECO** is now on the cusp of being rolled out based on the same principles.

⁽⁷⁾ Communication from the Commission 'Commission Anti-Fraud Strategy: enhanced action to protect the EU budget', COM(2019) 196 of 29 April 2019 – 'the CAFS Communication' – and the accompanying action plan, SWD(2019) 170 – 'the CAFS Action Plan'.

⁽⁸⁾ Correction of fraud is an umbrella term, which notably refers to the recovery of amounts unduly spent and to administrative sanctions.

For all the litigation modules under the ULM umbrella, a data consolidation project has been identified and is planned for 2022 in line with the ECDS principles. It will explore all the potential data synergies between the litigation domains as well as possibilities offered by corporate services such as master data or linked data repositories. It will also consolidate the front-end part of ULM by making more business relevant data available to the business users through the ULM dashboard.

The migration of SOLON the knowledge management toolset at the Legal Service, is ongoing with a target release date at the end of 2021. This will be the occasion for a major functional update and simplification once done. In 2022, a major data consolidation project is planned in order to better align the taxonomy used with corporate vocabularies such as the EcoVoc.

All Legal Service IT systems use as much as possible corporate documents and data through the cross sector platform SOA or linked data connectors. They also benefit whenever possible of the reusable software solutions provided at Corporate Level (such as eu Login, HRS, CNS, eUI..) taking stock of the Dual pillar approach guidelines. Governance of data with a local scope is generally embedded with Information Systems governance. The corresponding roles and responsibilities will be further formalised in compliance with the corporate data governance and policies.

The Legal Service enforces a strict IT security management which is aligned with the corporate policies, while being proportionate to the departmental and mostly internal scope of its IT systems. The approach is risk centred with analysis being embedded in security plans, which are systemically reviewed and approved by the business owners during the projects steering committees. The standards applied are based on decision 2017/46, while the risk analysis will be progressively moved to ITSRM methodology formalism.

In the context of the **ISA²** program, the Legal Service is putting at the disposal of Member States and other institutions the **Ref2Link** toolset, which detects and enriches legal references (especially in the context of EU law) in any document; on the basis of European standards such as the European Law Identifier. The Legal Service is also adapting the offer of Ref2Link so that its components may be put to efficient use by other DGs and services in full integration with DIGIT's Digital Workspace in the Commission. The tool has been significantly enhanced in 2021 with the connection to the Corporate Publication Office linked data repository, improving both user experience and detection accuracy. This interoperability boost will be pursued in 2022 with new connections to linked open data e.g. for national law and through the opportunities brought by the on boarding in the Digital Europe Program.

The Legal Service is in discussion with the Publications Office to submit some of the data it generates to the EU Open Data Portal (data.europa.eu). The same kind of data sharing could be envisioned through the internal data catalogue.

To maintain the highest level of competence in the Legal Service, its lawyers are expected to follow and be well acquainted with the case law of the Court of Justice in their respective domains of expertise. For that purpose, apart from the information system ULM and the in-house trainings, they also benefit from the support of a dedicated library whose primary mission is to provide rapid access to legislation, case law and doctrine, both on paper and electronically.

In order to increase awareness and knowledge of the rules on the protection of personal data, all members of the Legal Service have received the SG's Guide to Data Protection and the SG's Guide to Document Management and Access to Documents. By the end of 2022, all lawyers will be expected to have attended training on data protection. This will contribute to the increased awareness among Legal Service staff on Data Protection issues, in conformity with the Commission Data Protection Action Plan (C(2018) 7432 final).

Objective: The Legal Service is using innovative, trusted digital solutions for better policy-shaping, information management and administrative processes to forge a truly digitally transformed, user-focused and data-driven Commission

Main outputs in 2022:

Output	Indicator	Target
Implementation of the corporate principles for data governance for Legal Service' key data assets	Percentage of implementation of the corporate principles for data governance for Legal Service' key data assets	Interim milestone by 2022: 50%
Updating ULM templates to improve usability	Use of ULM templates by the Teams to streamline the creation of applications in front of the Courts. ULM Pleadings: a new faster search service for previous Court applications.	More than 50% of applications created through ULM templates At least 50 searches/week with average response time < 3 seconds.
ULM Dashboard to be revamped to include more information, not limited to litigation.	Percentage of lawyers using directly ULM dashboard, i.e. without delegation.	>50%
Rewriting of the 3 modules Base Contentieux, Board, Templates of Unified Litigation Management	All modules are put into production for use by the legal teams	100% of the teams are using these new modules (front-end and back-end components)
DSMP (Digital Strategy Management Plan) recommendations for Ref2Link for a wider availability of Ref2Link within the Commission	Implementation of recommendations	85% of recommendations are implemented
A collaborative platform for the co-edition of Sensitive, Non-classified documents	The platform is available	The real-world suitability of the solution is being evaluated, especially in the context of the generalisation of M365.
All lawyers to take an online EU training or to participate in an advanced seminar to ensure increased awareness and knowledge of data protection rules	% of lawyers undertaking training/ participating in seminars	90% of all Legal Service lawyers by end of 2022

E. Sound environmental management

The Legal Service share its office premises with other DGs, Services and the Cabinets in the Berlaymont building. Five staff members work in other countries. The initiatives taken by the OIB in the area of sound environmental management for building will be communicated to staff through the Commission intranet pages. The Legal Service will support the energy saving initiatives and improve Waste management by awareness raising campaigns.

The majority of missions for the Legal Service are mandatory with the presence of lawyers required at court hearings and they are mainly undertaken by train. The Legal Service will launch campaigns to raise awareness among the staff of the new mission guidelines with the purpose of lowering the CO₂ impact.

During the Covid-19 pandemic, paper circuits have been replaced temporarily by paperless working methods. The Legal Service is currently investigating the possibilities of continuing with paperless methods and has sought approval from other central services. Awareness raising actions to encourage staff to print less will also be launched.

With the implementation of M365 and Teams, there are several features which will enable better and easier cooperation and co-working for Legal Service staff. In order for the roll-out of M365 and Teams to be successful, the Legal Service will encourage staff to undertake training.

The Legal Service also has specialised informatics systems supporting its core activities. Continuous development of these systems will contribute to further digitalization of working methods and communication, as already laid out in section D.

Objective: The Legal Service takes account of its environmental impact in their actions and actively promotes measures to reduce the related day-to-day impact of the administration and its work, with the support of their respective EMAS Correspondents/EMAS Site Coordinators.

Main outputs in 2022:

I. More efficient use of resources (energy, water, paper):

Output	Indicator	Target
Staff awareness actions to reduce energy use in the framework of EMAS corporate campaigns and/or awareness actions about DG's total energy consumption in collaboration with OIB/OIL where appropriate.	Number of actions ⁽⁹⁾	1 information campaign

⁽⁹⁾ Indicative actions include local staff awareness actions (e.g. info-fairs) and messages by senior management.

Output	Indicator	Target
Staff awareness actions to reduce water use (for example ensuring that staff use the technical services hotline to report leaks) in the framework of EMAS corporate campaigns and/or awareness raising actions about DG's water consumption in collaboration with OIB/OIL where appropriate.	Number of actions	1 information campaign
Paperless working methods at DG level (such as paperless working: e-signatories, financial circuits, collaborative working tools) and staff awareness actions to reduce office paper use in the framework of EMAS corporate campaigns and/or raise awareness about DG's office paper use in collaboration with OIB/OIL where appropriate.	Number of actions	1 information campaign
	Number of new actions introduced	1 new action
II. Reducing CO₂, equivalent CO₂ and other atmospheric emissions		
Output	Indicator	Target
Staff awareness actions on reducing GHG emissions (such as actions on sustainable commuting during EU Mobility week and VeloWalk corporate events) and/or raise staff awareness on sustainable commuting in collaboration with OIB or OIL (e.g. availability of bike parking facilities, lockers and showers, promote the reduction of parking spaces' use amongst staff).	Number of actions	2 information campaigns
Analysis of DG's missions trends /patterns (based on corporate EC-staff's professional trips (missions), optimise and gradually reduce CO ₂ emissions (e.g. by optimising the number of participants in the same mission, promoting more sustainable travelling options, promoting videoconferencing/ virtual events as an alternative).	Number of actions	1 information campaign
	Number of missions	Decrease
	CO ₂ (t) emissions from DG's missions (¹⁰)	Reduce DG's CO ₂ emissions from missions (¹¹) (%)
III. Reducing and management of waste		
Output	Indicator	Target (2018 as baseline)
Staff awareness actions about waste reduction and sorting in the framework of EMAS corporate campaigns and/or staff awareness actions about DG's waste generation in collaboration with OIB/OIL where appropriate (for example, promote and label the waste sorting schemes in place).	Number of actions	1 information campaign
IV. Promoting green public procurement (GPP)		
Output	Indicator	Target)
Staff awareness actions on the promotion of "green items" among EC office supplies' catalogue (for example, introduce a DG-specific office supplies' catalogue, including only 100% "green items).	Number of actions	1 information campaign

(¹⁰) (% means of transportation used)

(¹¹) Based on data provided by the Commission's carbon footprint analysis (by HR.D.02), including business travel.

V. Supporting biodiversity

Output	Indicator	Target)
Staff awareness actions on supporting biodiversity (for example for urban sites, sponsor the creation and maintenance of urban gardens, insect hotels and green roofs within EC-premises with the support of volunteers)	Number of actions	1 information campaign

F. Initiatives to improve economy and efficiency of financial and non-financial activities

The efficiency gains expected from the 360° internal reform process to modernise its functioning and its structure, on the Legal Service working methods and procedures has already been described in section A. Human Resource management.

As laid out in section D on Digital transformation and information management, a number of new initiatives and actions will be implemented in 2022, with the agreement of all actors involved (including DG HR and DIGIT, as appropriate). Synergies and efficiencies will be identified (including possible temporary pooling and sharing of resources, redeployment, centralising tasks - with the objective of reducing the overall headcount, identifying negative priorities etc.), enabling the Legal Service to work in a more coherent, efficient and professional manner, and to deliver an ever better service to the College and to the Commission.

ANNEX 1: Performance table on Consultations

Consultations per legal team and year

Performance table 4: Consultation registered in ARES per thematic teams and year				
Team	2019	2020	2021 10 months	2022 estimated
Affair (AFFAIR)	999	1 094	1 459	
Agriculture & Fisheries (AGRI)	1 517	1 690	1 386	
State Aide (AIDE)	629	1 267	1 071	
Budget, customs & taxation (BUDG)	913	973	902	
External Relations (CFSP)	1 302	1 508	1 978	
Competition (COMP)	1 386	1 336	1 083	
EEI (Eurozone)	1 094	1 328	933	
European Civil Servant Law (FPE)	920	1 048	664	
Institution (INST)	606	619	494	
Justice, Freedom & Security (JLS)	405	405	680	
Procurement & Recoveries (MAREC)	310	396	260	
Internal Market (MIME)	2 777	2 2978	3 045	
Social & Employment (SOC)	351	443	559	
Trade & WTO (TRADE)	294	281	286	
Total documents registered in ARES	13.503	15.336	14.800	~16.000