



European
Commission

Management Plan 2023

LEGAL SERVICE

Contents

- INTRODUCTION 3
- PART 1. Delivering on the Commission’s priorities: main outputs for 2023 6
 - A. Legal advice 7
 - B. Advice on quality of legislation and legal revision 10
 - C. Legal representation 12
 - D. Negotiations on accession to the European Convention on Human Rights 16
 - E. Reform of the statutes of the European Court of Justice 17
- PART 2. Modernising the administration: main outputs for 2023..... 19
 - A. Human resource management 19
 - B. Sound financial management 21
 - C. Fraud risk management 22
 - D. Digital transformation and information management..... 22
 - E. Sound environmental management..... 27
 - F. Initiatives to improve economy and efficiency of financial and non-financial activities 28

INTRODUCTION

The management plan of the Legal Service presents how the Legal Service will plan and execute its activities in 2023. The focus will be on its two core activities, delivery of legal



advice, including legal revision, to all Commission services and the College and legal representation of the Commission and of the Union before the Union courts, as well as before 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, 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. 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 assessment of how the law is to be interpreted and applied;
- Represents the Institution before the Union Courts, and 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 acting as *amicus curiae* on relevant points of EU law;
- 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.

⁽¹⁾ Decision P(2019) 1 of 1.12.2019.

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**, particularly 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) and on the modifications to the Statutes of the Court of Justice

General objective n° 7: A modern, high-performing and sustainable European Commission, in accordance with Article 17 TEU and in compliance with the Treaties.

Continued implementation of the headline ambitions

In 2023, the Legal Service will continue to support the Commission's headline ambitions, and contribute to the Commission's response to crises, with a special emphasis on the priorities described in the Commission work programme 2023. Legal Service work is horizontal and covers all policy area. The Legal Service will be active in discussions around energy-related measures to ensure their legality while maintaining their effectiveness. This will also be the case in relation to the Commission's response to the invasion of **Ukraine**, such as restrictive measures, financial assistance and other support measures directed towards Ukrainian citizens as well as on the accountability of Russia under international law and the use of frozen assets towards the reconstruction of Ukraine ⁽²⁾.

Beyond energy and Ukraine, the Legal Service will continue to assist in the implementation of the **European Green Deal** and **A Europe Fit for the digital age** initiatives. In this sense, portfolios such as the reform of the **European electricity market**, the operation of an **EU hydrogen bank**, the **reduction of waste**, and the revision of the legislation regarding **animal welfare** will predictably involve considerable resources from the Legal Service. As regards digital policy, portfolios such as the **EU critical raw materials act**, the measures on **SME relief**, the EU regulatory framework for hyperloop under the **Mobility package**, the **patent licensing package**, the **foreign subsidies regulation** and the **company law digitalisation** will require substantial involvement of the Legal Service.

Other areas that will require comprehensive involvement of the Legal Service include the creation of a digital euro currency, the reviews of the functioning of the **Multiannual Financial Framework** and the Economic governance framework, the **Defence of democracy package** and the update of the anti-corruption legislative framework, the

⁽²⁾ as requested by the European Council

legislative initiative on a statute for European cross-border associations or the revision of the combating child sexual abuse legislation.

At the same time, in 2023, the Commission will move into the implementation phase of crucial legislative initiatives such as the newly adopted **Digital Services Act** and **Digital Markets Act** which will entail substantial work by the Legal Service. Last but not least, to ensure full legal conformity in its implementation, in line with the Commission's objective to bring a new push to **European democracy**, the Legal Service will follow the update of the anti-corruption legislative framework and remain closely involved in all different work streams on the enforcement of the rule of law.

PART 1. Delivering on the Commission’s priorities: main outputs for 2023

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 important legal implications.
- to defend the interests of the European Union and the Commission before various courts and tribunals. It represents the European Commission in litigation in the Union Courts, arbitration tribunals and in national courts. It defends the interests of the 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 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 Internal market for goods, energy Euratom, enterprise, customs union, environment (*MIME*) team, the Agriculture & Fisheries (*Agri*), the Social & employment, consumer protection (*SOC*) team, the Trade & WTO (*Trade*) team and the Eurozone and economic questions (*EEI*) team and the Budget, customs & taxation (*Budg*) team will work on these issues.

An Economy that works for all people: the *EEI*, the *SOC*, the *Trade*, the Business law and information society (*Affair*) team, the Competition (*Comp*) team, the State Aide (*Aide*) team and the *Budg* team will have 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 Justice, freedom & security (*JLS*), *SOC* and Institution (*Inst*) teams will be involved.

The External relations (*Relex*) team and *Trade* team 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 negotiations, on behalf of the European Union, for the accession to the European Convention on Human Rights, and, on preparing the opinion of the Commission on the request for modifications to the Statutes of the Court of Justice.

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.

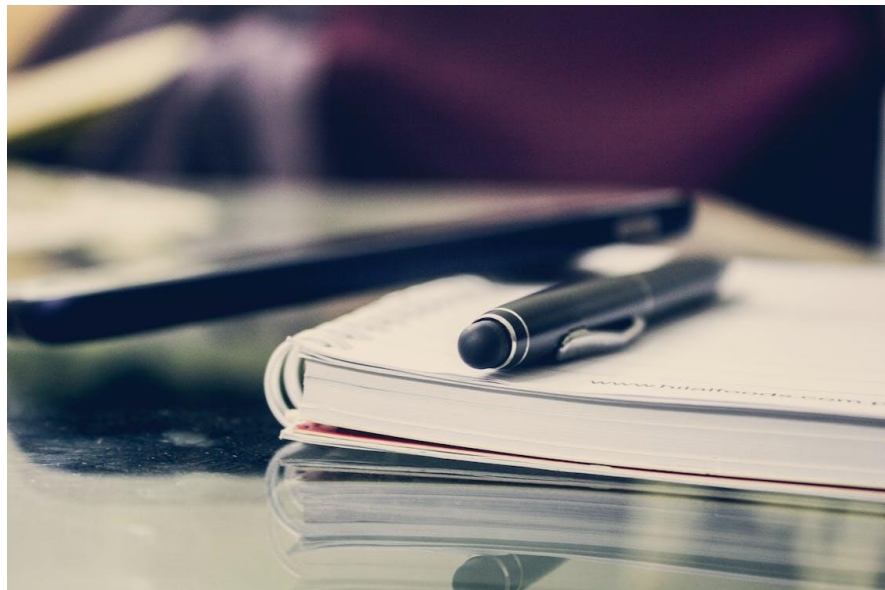
The work in the Legal Service is highly reactive and often time sensitive. Already at the earlier stages of the legislative drafting process, the Legal Service provides informal advice. Deadlines for most of the formal consultations are between 48 hours and 10 working days. Urgent consultations often have to be replied to within 24 hours or less are also part of daily work.



The Legal Service issues legal opinions on some 17.000 consultations per year of which more than 10.500 are draft legal acts brought forward for adoption by the Commission. The Legal Service gives its opinion on all of them. It is also consulted on the replies or replies itself to more than 4.500 parliamentary questions, requests from the Ombudsman, petitions and access to documents requests.

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.

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.

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 thematic team responsible of its analysis, observations and suggestions. These are incorporated into the formal Legal Service's replies to consultations.

Replying to such 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: NO

Main outputs in 2023:

Other important outputs – A. Legal Advice

Output	Indicator	Target
Replies to all Fast Track consultation within deadline	% of replies within deadlines	100 %
Replies to consultations on replies to Parliamentary questions within deadline	% of replies within deadlines	99 %
Replies to Decide consultations within deadline	% of replies within deadlines	88 %
Replies to Petition consultations within deadline	% of replies within deadlines	95 %
Replies to consultations on replies to questions from the Ombudsman within deadline	% of replies within deadlines	95 %
Replies to Access to document requests within the standard time limit	% of replies within deadlines	90 %

Other important outputs – B. Advice on quality of legislation and legal revision

Draft legal acts selected for legal revision	Number of acts selected	1900
Number of codified acts	Number of acts codified	4
Number of legal revisions in two or more official languages	Number of texts	>100
Number of corrigenda	Number of texts	>250
Training in legislative drafting as of the Legal Service training strategy for 2023	Number of trainings given	100% of target indicated in the Training Strategy for 2023

Performance table for legal advice

The number of consultations in 2023 is expected to remain around 17.000 of which some 10.500 will be legislative acts. It should be noted that since 2021, up to four questions can be included in a parliamentary request for information.

The number of consultations in general and on legislative acts continues to put pressure on the workload for Legal Service staff. For 2023, the Legal Service expects a considerable number of consultations in the areas of energy, assistance to Ukraine, the EU's economic governance system, specific portfolio areas related to the European Green Deal such as the EU's electricity market the reduction of waste or the Fit for 55 package. Other areas such as the rule of law, issues related to the finances of the European Union and issues related to the implementation of the Single Markets Act and Digital Services Act. may also lead to an important number of consultations.

Below, the number of different kinds of requests for legal advice is presented and their respective reply rates for 2020, 2021 as well as estimated figures for 2022 and 2023.

Type of consultation	2020 actual	2021 actual	2021 reply rate	2022 (predicted)	2022 reply rate (predicted)	2023 (target)	2023 Target reply rate
Total consultations registered in ARES ⁽³⁾	15 336	17 318		16 813		17 000	
of which are legislative acts registered in Decide	8 934	10 536	82%	10 534	86%	10 500	88%
Fast track (reply within 48 h)	144	112	100%	117	100%	120	100%
Parliamentary questions⁴	6 853	5 681	99%	4 094	100%	4 100	99%
Petitions⁵	768	832	90%	489	100%	500	95%
Requests from the Ombudsman	39	31		31		30	75%
Access to Documents	209	205	100%	219	95%	220	90%⁽⁶⁾
Average reply rate			>88%				>92%

B. Advice on quality of legislation and 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**

⁽³⁾ Detail on ARES consultations per team can be found in annex 1.

⁽⁴⁾ Tacit agreements,

⁽⁵⁾ Tacit agreements,

⁽⁶⁾ New indicator for 2022: 90% of replies to be given within the standard time limit

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

The advice provided by the Quality of Legislation team is both proactive and reactive. From all acts registered in *Decide*, the Quality of Legislation team will select legal acts for



revision based on several parameters, the most important being that a text is due to become legally binding. Based on that revision, it will also select certain texts for multilingual coherence reviews. The Quality of Legislation team expects to also be involved at pre-consultation stage. As the lead service, it will also work together with the Directorates General 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. For 2023, the Legal Service training strategy will offer legislative drafting courses to Commission DGs and Services with the objective to **improve legislative drafting skills** and contribute to an increased quality of legislative drafts.

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.

Performance table for legal revision

The number of selected drafts and the number of reviewed pages is expected to remain at the same level in 2023 as compared to 2022 and 2021. 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 an envisaged recast is the suitable instrument, or another legislative technic should be used.

The table below presents the work of the Quality of Legislation team performed in previous years and the targets for 2023.

	2020 (actual)	2021 (actual)	2022 (predicted)	2023 (target)
Number of draft legal acts selected to undergo legal revision	1.695	2.243	2164	2200
Percentage of selected legal drafts to undergo legal revision	100%	100%	100%	100%
Number of legal texts revised in two or more languages	80	112	80	80
Number of corrigenda to legal acts	340	400	400	400
Number of legal acts to be codified according to the Commission Agenda Planning	5	3	3	4
Percentage of legal acts codification	100%	100%	100%	100%
Number of reviewed pages	41.000	38.000	~41 000	41 000

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 and/or the European Union 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 (62% in 2021);
- 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 lawyers) 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 Court of Justice.

The average duration of a court case is approximately two 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 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.

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. 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 as *amicus curiae* 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: NO

Main outputs in 2023:

Other important outputs

Output	Indicator	Target
Written documents filed at the courts within deadline	Percentage of filed documents within deadline	100 %
Representation of the Legal Service in hearings in the Courts of the Union	Percentage of representation	100 %
Representation of the Legal Service in national court hearings	Percentage of representation	100 %

Performance table on court cases

The table on next page presents the various types of court cases and other cases undertaken by the Legal Service in 2020 and 2021 and estimated figures for 2022 and 2023.

Performance table 3: Number of cases per year and per jurisdiction					
Jurisdiction	Cases ⁽⁷⁾	2020 (actual)	2021 (actual)	2022 (predicted)	2023 (target)
Courts of the Union	On-going cases	1 956	1 962	2 084	2 100
	New Cases	1 098	1 244	1 229	1 200
	Closed Cases	1 065	1 238	1107	1 100
whereof: Infringement cases	On-going cases	45	36	49	50
	New Cases	16	19	35	35
whereof: Preliminary Rulings	Notified cases	569	611	562	600
National Courts	On-going cases	689	759	745	800
	New Cases	154	63	125 ⁽⁸⁾	
WTO	On-going cases	92	99	95	95
	New Cases	5	9	8	8
Arbitration cases	On-going cases	164	154	162	160
	New Cases	28	15	13	15

The number of cases in 2023 is expected to remain at the same level as in 2022. An increase of cases with sensitive political implications can be envisioned for direct actions against energy-related measures and concerning judicial review of restrictive measures adopted in response to Russia's aggression against Ukraine.

The average duration of a court case is approximately two years, however, there are individual variances, and some cases continues over several years.

⁽⁷⁾ Figures for On-going cases are indicative.

⁽⁸⁾ 125 cases brought before national jurisdictions and 78 non-judicial cases (legal opinions, pre-litigation procedures)

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 number of preliminary rulings by the Court of Justice, the number of WTO, and the number of arbitration cases are expected to stay at the same level in 2023.

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 on 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 (then) 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 to make accession possible for the EU. In September 2020, negotiations for the accession of the EU to the ECHR were relaunched.

The Institution team in the Legal Service leads the negotiations for accession to the ECHR. Opinion 2/13 of the Court of Justice serves as the Legal Service’s guide in the negotiations. There have been several rounds of negotiations in 2022 and the negotiators have reached a provisional agreement on most of the issues raised by the Court of Justice in Opinion 2/13. Russia was ousted from the negotiating group following its invasion of the Ukraine and its expulsion from the Council of Europe.



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: NO

Main outputs in 2023:

Other important outputs

Output	Indicator	Target
Reports on the progress in the negotiations to accede to the ECHR	Number of reports	3 reports per year

E. Reform of the statutes of the European Court of Justice

The Legal Service is the lead service in the Commission for all legal acts governing the Court of Justice.

On 13.11.2022, the Court of Justice submitted a request for the adoption, in ordinary legislative procedure with the consultation of the Commission, a modification of the Statute of the Court of Justice.

The main element of the proposal is to transfer requests for preliminary rulings, in specific matters, from the Court of Justice to the General Court (a possibility that is foreseen in Article 256(3) TFEU but has so far not been used). This should concern five main areas for which there is already an established case law, namely VAT, customs, excise duties, passengers’ rights, and the emission trading system. The estimation of the Court is that this transfer would reduce the number of preliminary rulings to be dealt with by the Court of Justice by about 20%.



In accordance with Article 281 TFEU, the Commission will have to issue an opinion before the Parliament and the Council will deal with this proposal. The Institution team of the Legal Service represents the Commission in the inter-institutional negotiations. Following the adoption of the modifications of the Statute, the Court of Justice will submit for adoption by the Council modifications of the Rules of Procedure of the Court of Justice and of the General Court which are necessary to implement the modifications of the Statute. Given its particular expertise, the Commission voice is heard notably within the Council bodies, even though it has no institutional role to play in that context.

The work undertaken by the Legal Service on the reform of the statutes of the European Court of Justice contribute to **General objective n° 6: A new push for European democracy** and to the **Specific objective number 4. Negotiations on the modifications of the Statutes of the Court of Justice.**

General objective 6: A new push for European democracy
Specific objective 4: Negotiations on the modifications of the Statutes of the Court of Justice
Related to spending programme: NO

Main outputs in 2023:
Other important outputs

Output	Indicator	Target
Opinion by the Commission on the request for modifications of the Stature of the Court of Justice	Approval by the Parliament and the Council of the modifications proposed for the Court of Justice	By end of 2023

PART 2. Modernising the administration: main outputs for 2023

The internal control framework ⁽⁹⁾ 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 continues to implement and monitor its 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.

While the Covid-19 pandemic is expected to continue to impact the Legal Service staff in 2023, the local arrangements put in place within the Legal Service in March 2022, will continue to support decision-making at all levels of governance and for the implementation of the Legal Service' mission. The proposals from its internal Reform process launched in 2021, will be implemented in 2023 with the aim to modernise the Legal Service working methods and procedures (including the administrative procedures, collaboration between the teams, talent management, recruitments etc.) and its working environment (i.e. well-being, IT tools, knowledge management, artificial intelligence, internal communication etc.).

A. Human resource management

The Reform of the Legal Service is expected to continue to contribute positively to staff satisfaction, and to modernisation of its working methods and procedures including its working environment. In 2023, the Legal Service will continue to deliver on the Reform process including on the implementation of the new initiatives and actions such as the: new guidelines enabling the **mobility of lawyers within the Legal Service** in an orderly manner and for them to acquire legal expertise in various EU law domains throughout their careers; work of the new **recruitment panel of the Legal Service** ensuring that the best lawyers and talents are hired; **new training strategy** for our lawyers and assistants providing them with dedicated ad hoc trainings designed for their specific needs; new guidelines to **improve quality of drafting** (drafting user's manuals) together with the establishment of an **inter-service Working Group on quality drafting** with all concerned Commission's services; internal **Handbook on "How to consult the Legal Service"** to increase the quality of incoming consultations and improve efficiency and effectiveness of our procedures; new **knowledge management IT applications** and the **development of artificial intelligence** within the Legal Service; etc.

⁽⁹⁾ [Communication C\(2017\)2373 - Revision of the Internal Control Framework](#)

In addition, **internal and external communication** will be further developed in 2023 by modernising the intranet of the Legal Service developing further the online SharePoint technology as well as by developing **outreach activities** in the context of the publication of the book **“70 years of EU law”** with a preface by the President Ursula von der Leyen. On 17 March 2023, the Legal Service will organise its first **Annual Conference** with the participation of VIP keynote speakers on a series of key EU law domains that are growing in importance.

The 2023 initiatives for **staff engagement, promoting diversity and inclusion** as well as **gender balance** will focus on, for the former, the: development of a **guide for mentors** and the development of a **long term and ad hoc mentoring programme** to increase personal development, satisfaction and corporate culture; setting-up a **“welcoming team”** to guide efficiently new colleagues arriving in the Legal Service; setting-up a **“chambre d’écoute”** and a Legal Service **“suggestions mailbox”** enabling bottom up suggestions and contributing to inclusion; implementation of the **Diversity & Inclusion Action Plan** as soon as adopted by DG HR. For the latter, the Legal Service will concentrate on ensuring the best representation of the Service in several initiatives such as: **Female Talent Development Program; external Management Development programmes tailored for women** and **Female empowerment** trainings currently under preparation. But not only: the Legal Service will organise a further round of consultations of all women in the Service on **“how to get beyond self-limitations”** and a dedicated **questionnaire for its staff on “equal opportunities”**.

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 2023:		
Output	Indicator	Target
Staff engagement index	57% (2021)	Maintain or increase
Gender balance on the nominations of management or equivalent positions	percentage	Maintain gender equality
Implementation of the Legal Service Training Strategy for 2023	Completion of training strategy actions scheduled for 2023	Fully implemented by end of 2023
Diversity & Inclusion Action Plan	Implementation of the Action Plan	Implement as soon as adopted by DG HR
Female Talent Development Program:	n° of participants	2 participants
External Management Development program	n° of participants	1 participant
Female empowerment training	n° of cycles	One cycle of training for female lawyers
Knowledge sharing by organisation of lunch time conferences	N° of lunch time conferences	>16 per year

B. Sound financial management

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.

The internal control framework¹⁰ 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 centralised financial procedures in the Legal Service comply with baseline requirements and the existing controls put in place contributes to low error rates in payments and to payments within deadlines.

The Legal Service annual administrative expenditure is approximately 4 million EUR and is mainly 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. 85% of all contracts signed in 2022 were below 15.000 EUR and contracts are often split into three or more invoices, some of them for amounts below 1.000 EUR.

The mission budget amounts to 0.4 million EUR and is mainly for Legal Service staff defending the interests of the European Commission in courts, tribunals, and arbitration bodies such as the WTO. More than 80% of missions are for hearings at the European Courts in Luxembourg and are undertaken by train or in shared vehicles, hence complying with the initiatives on the Greening of the Commission. IT investments and training expenditure amounts to 0.3 million EUR.

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 2023:

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	Timely payments	>95% of payments (in value) on time
Economy of controls	Overall estimated cost of controls	Remains < 8.5% of funds managed

¹⁰ [Communication C\(2017\)2373 - Revision of the Internal Control Framework](#)

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. The Legal Service Anti-Fraud strategy was updated in 2022 and OLAF will be consulted in 2023, in the context of the Commission Anti-Fraud strategy (CAFS) which is the overall framework for service level anti-fraud actions.

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) aimed at the prevention, detection and correction of fraud.

Main outputs in 2023:

Output	Indicator	Target
Finalised Legal Anti-Fraud strategy (AFS)	Publication of the updated AFS	End of 2023
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	100 %
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	1 time per year

D. Digital transformation and information management

Digital transformation

Continuous modules are added to the **ULM** (Unified Litigation Management), used for the follow-up of litigation proceedings in front of the European Court of Justice and international jurisdictions, including all the specialised modules, also a system for the follow-up of recovery orders sent by DG BUDG to the Legal Service **RECO**. In 2022 a new ULM Search module, 'Pleadings', fed with court procedural documents extracted from ARES was added based on the Corporate EU Search solution.

In 2023, the continuation of this project will consist in injecting more high-value collections like legal notes of principle and exploring advanced search techniques, including artificial intelligence. The ULM Search module constitutes the basis for the development of a one-stop shop search engine which will provide a simplified interface, allowing the business users to enter and receive information on legal content via a single access point.

For all the litigation modules under the ULM umbrella, a data consolidation project has been identified and was initiated in 2022, with implementation planned in 2023, in line with the ECDS principles. It will explore all the potential data synergies between the litigation domains, possibilities offered by corporate services such as master data or linked data repositories, consolidation of front-end part of ULM by making more business relevant data available to the business users through the ULM dashboard. In 2023, the Legal Service will launch the 'ULM Data Convergence' project which will extend the scope of the current ULM Board by integrating all deadlines, not limited to litigation activity but encompassing also DECIDE consultations.

An evolution of the ULM Template system is planned for 2023 to: extend the current ULM templates to cover more types of court procedural documents, to offer more static content via automation and to generate dynamic parts of documents, based on precedents and detection of similarities, through the technology of artificial intelligence.

A pilot project of a new Wiki-style knowledge management database in the area of external relations. Such database will gather, under thematic subjects, all up-to-date information on a given subject and will build on the principle of ownership and responsibility for the content, full transparency and continuous efforts to keep it fully functional.

The Legal Service will elaborate its Artificial Intelligence Action Plan in 2023, presenting the most relevant use cases of the AI technology, such as detecting similarities and semantic constructions in documents, reuse of precedents, one-stop shop search engine with AI capabilities, e-Discovery, speech recognition and automation of document attribution.

The migrated version of SOLON, the current knowledge management toolset is on the cusp of being rolled out. This is the occasion for a major functional update and simplification once done. The data consolidation project initiated in 2023 to better align the taxonomy used with corporate vocabularies such as the EuroVoc will continue in 2023 with the aim to create an automated tagging system incorporating also a list of tags specific to the Legal Service.

In 2023, the local financial information system FINSJ will have to replace its current connections with ABAC by equivalent features provided by facilities offered by the new SUMMA Corporate system.

The Legal Service is fully committed to the transformation to a paperless organisation having widely used the ARES system as a repository of documents integrated with all its business systems. Recently, the Qualified Electronic Signature has been introduced in the contracts signature workflow paving the way for a significant reduction of paper circulation.

In the context of the **DIGITAL EUROPE** 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 2022 with the development of a new Add-in for Office 365 that directly encodes links and footnotes in documents, in all official languages, and will first be used by Legal Service drafters of court submissions and revisers of legislative drafting.

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 legal doctrine, both on paper and electronically.

Information and IT security rules

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, being held at least once per year. The standards applied are based on decision 2017/46, while the risk analysis will be progressively moved to ITSRM methodology formalism.

The Legal Service IT systems portfolio does not contain Internet facing systems. None of these systems development or maintenance activities are entirely subcontracted to an external contractor. External Service Provider developers, operating in time & means mode, do not have access to production data and their activity is strictly monitored by officials in project mode.

The Legal Service intends to apply the guidelines resulting from the Cybersecurity Regulation when this is made available by DIGIT.

The Legal Service organises local cyber-awareness on a regular basis, at least ones a year.

Data, information and knowledge management

The knowledge management is an IT system that stores and retrieves knowledge to improve understanding, collaboration and process alignment. The Legal Service is developing a knowledge management system based on the following main pillars:

- connecting to an efficient and sophisticated search engine for EU jurisprudence (currently, the curia website);
- creating an internal search engine ('Pleadings') to ensure consistency of legal arguments in court proceedings and in consultations, including automating the

tagging of knowledge management themes to synchronise the marking of documents for an efficient and reliable search result;

- developing existing knowledge management tools and capacities by assessing the feasibility to generate some parts of certain document types through an AI/Machine learning approach;
- automating document, link and footnote generation (e.g. through ULM templates and Ref2Link) to harmonise layout requirements and to preserve resources for higher added value tasks, increase the quality of work and enhance efficiency;
- updating MySJ to include relevant and easily accessible information on recurrent legal issues falling within the competence of the respective teams;
- completing a Wiki-style pilot project in the field of external relations;
- implementation of an internal Help Desk providing prompt advice on any question of court proceedings (infringement proceedings excluded), contributing also to information sharing of significant developments in case-law on court proceedings.
- organising case-law lunch seminars, on a regular basis, on selected court rulings;
- publishing the press releases issued by the European Court of Justice on MySJ;
- the weekly senior management meetings regularly discuss recent developments of jurisprudence, the meeting minutes and a debriefing to all staff of the meeting is registered and are published on MySJ.

Data protection

Appropriate technical and organisational measures are in place to ensure the accountability for compliance with the data protection rules and an appropriate level of security in conformity with Objective 1 of the Commission Data Protection Action Plan (C(2018) 7432 final), hereafter DPAP.

All Legal Service staff have received the SG's Guide to Data Protection and the SG's Guide to Document Management and Access to Documents, contributing to increase awareness and knowledge of the rules on the protection of personal data

To increase awareness and knowledge of the rules on the protection of personal data, all Legal Service staff have received the SG's Guide to Data Protection and the SG's Guide to Document Management and Access to Documents. To increase awareness among staff on Data Protection issues (Objective 2 of the DPAP), the DPC and assistant DPC (nominated in 2022) will continue to disseminate information on available data protection trainings.

Records of processing operations under Legal Service responsibility are reviewed and updated in line with Objective 3 of the DPAP, as are privacy statements (Objective 4 of the DPAP).

The DPC and assistant DPC participate in regular meetings with DPO in particular regarding crosscutting issues, defining best practices and identifying areas for harmonised approach (Objective 5 of the DPAP).

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 2023:

Output	Indicator	Target
Digital transformation		
Further develop ULM Pleadings, the new search engine of court procedural documents	ULM Pleadings, a new faster search service for previous court submissions is being released.	> 50 searches/week with average response time < 3 seconds.
Revamp of the ULM Dashboard to include more information, via the 'ULM Data Convergence' project	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
Launching 'LS VOC' project to revamp the knowledge management list of themes with a view to introduce automation of tagging	Implementation of the intelligent tagging function, and incorporation of a list of tags specific to the Legal Service.	100% of the teams are using the new tagging system.
Information and IT security rules		
Local Cyber awareness raising campaigns	Number of campaigns	1 per year
Security Sections of GovIS2 complete and updated at least once per year	Percentage of completion	End of 2023 100%
Security Plans declared in GovIS2 and not older than 2 years	Percentage of compliance	End of 2023 100%
IT security controls implemented in particular those related to MFA/EU Login	Percentage of compliance	End of 2023 80%
Data, Information and Knowledge management		
Artificial Intelligence Action Plan aligned with the Innovation Framework of the Commission	The Action Plan to be circulated for discussion and approval	Approval by end of 2023
Launching a new Wiki-style knowledge management database in the field of external relations based on Web Content Management Corporate approved Solutions like SharePoint Online	The database is released. Percentage of lawyers working on matters related to external relations using the Wiki.	End of 2023 >50%
Implementation of the corporate principles for data governance for the Legal Service key data assets	Percentage of implementation of the corporate principles for data governance for key data assets	Interim milestone by 2023: 50%
Enhancing staff skills and competences for effective use of data, information and knowledge, particularly related to the Data Management activities including reporting	Key data stakeholders trained within SJ	Interim milestone by 2023: 50%

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 2023:

Output	Indicator	Target
Data protection		
DSMP (Digital Strategy Management Plan) allowing 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	Evaluation of a real-world suitability solution especially in the context of the M365	Proposal for approval by end of 2023
All record editors (DPMS) to undergo training in Data Protection	Percentage of identified staff	100% of target group
IT 'Business Implementation Group' to propose new IT projects by testing new IT tools, providing feedback to the Business Manager, creating communication material to disseminate knowledge and organising interactive trainings for business users.	In the frame of the Legal Service Reform, an IT has been created. This group is actively	Creation of group completed.

E. Sound environmental management

The Legal Service have scheduled 18 information campaigns to take place in 2023 supporting the Commission initiatives and consequently contributing to Fit for 55. The campaigns will mainly focus on:

- Energy savings in the premises Legal Service occupy
- Promoting tap water and other water reducing campaigns
- Reduction of CO₂ emissions on missions
- Alternative commuting with the aim to reduce CO₂ emissions
- Electricity savings by good digital reflections
- How to organise green events
- Waste sorting and waste reduction information campaigns

The Legal Service has specialised information 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.

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 their respective EMAS Correspondents/EMAS Site Coordinators.

Main outputs in 2023:

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

Output	Indicator	Target
Priority action to support the Greening the Commission Communication and action plan		
Participation in energy saving actions by local information campaigns to staff	Number of information actions	3
Participation in reducing water consumption by local information campaigns to staff	Number of information actions	3

Reducing CO₂, equivalent CO₂ and other atmospheric emissions

Promoting more sustainable travelling options. Legal Service signed the EC Travel Pledge in 2022

Staff awareness actions on reducing GHG emissions (such as actions on sustainable commuting during EU Mobility week and VeloWalk corporate events)	CO ₂ emissions from DG/service's missions	Reduce or maintain Legal Service's CO ₂ emissions from missions (%) compared to 2019
Staff awareness actions on reducing GHG emissions (such as actions on sustainable commuting during EU Mobility week and VeloWalk corporate events)	Number of information campaigns	3
Staff awareness actions on digital pollution and gradual change of behaviours avoiding heavy emails, encouraging the use of ICT platforms, avoiding unnecessary storage of data.	Number of information campaigns	3

Reducing and management of waste

Implementation of the EC Guidelines for sustainable meetings and events, e.g. sustainable catering, reduce/eliminate single-use plastics, gadgets/gifts.	Number of green events	100%
Staff awareness actions about waste reduction and sorting in the framework of EMAS corporate campaigns	Number of information campaigns	3

Promoting green public procurement (GPP)

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 information campaigns	3
---	---------------------------------	---

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

The initiatives included in section D Digital transformation and information management on digitalisation, modernisation of its working structure and knowledge management will contribute to an improvement of the overall efficiency of the Legal Service.