



Management Plan 2017

Legal Service



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INTRODUCTION

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

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

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

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

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

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

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

The Legal Service will in particular focus on the implementation of the 2017 Commission Work programme and on assisting the College to transpose the policy priorities of the Juncker Commission into concrete proposals and initiatives.

For 2017, the Legal Service will continue with the same five specific objectives from previous years. These have been identified as best demonstrating the Legal Services capability in meeting expectations on timely and quality delivery of legal advice and legal representation.

PART 1. MAIN OUTPUTS FOR THE YEAR

1.1. Quality and timely advice in legislative drafting

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

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

In 2017, the crucial activity of the Quality of legislation team will continue to be providing advice on the correct application of the rules on legislative drafting and the coherent use of legal terminology. In this area the Legal Service is increasingly solicited to review draft legal acts at early stages of the legislative drafting process. Legal revisers systematically intervene at the inter-service consultation stage, or even earlier, in informal consultation with the DG concerned, and contribute to the final Legal Service opinion on draft acts.

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

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

Specific objective 1: Provide quality and timely advice to ensure that the highest standards of quality are met in legal drafts proposed by the Commission DGs and services.

Related to spending programme(s):
Administrative

Main outputs in 2017:

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

1.2. Codification, Recast and removal of obsolete acts

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

The technique of recasting permits substantive changes to be introduced to the existing legislative text while at the same time codifying and readopting the whole text. Whilst DGs remain *chef de file* for recast proposals, the Legal Service has important roles in the drafting, revision and verification of such proposals. In 2017, resort to recasting will continue, in particular, in view of the three institutions' renewed commitment to an increased use of the recast technique as confirmed in the Inter-institutional Agreement on Better Law-making of 13 April 2016. It will also be necessary for acts that need to be codified and at the same time updated to be brought in line with the Lisbon Treaty.

Codifications of legislative acts are elaborated by the Legal Service when necessary to simplify acts which have become over-complex as a result of amendments. In 2017, candidates for codification will be identified together with the Secretariat General and the competent DGs, and will be included in the Commission's annual work programme.

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

Furthermore, the Commission in successive communications on the subject of simplification has recognised the fact that the *acquis* contains many acts which, for various reasons, have become obsolete, but which nevertheless formally remain in force or are applicable because they have not been expressly repealed. These acts obscure the overall picture of the active *acquis* and should be removed from the Directory of Union Legislation in Force. In 2017, the Legal Service will continue regularly updating the *Directory*. The impact of these initiatives can be measured by the reduction in the number of acts contained in the *Directory*.

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

Specific objective 2: Ensuring quality of Union Legislation by simplification in line with the Commission Initiative on Better regulation.

Related to spending programme(s):
Administrative

Main outputs in 2017:

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

1.3. Quality and timely legal advice

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

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

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

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

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

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

Related to spending programme(s)
Administrative

Main outputs in 2017:

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

1.4. Quality and timely litigation

The Legal Service will have an impact on all the Commission's activities for 2017. In particular, since the start of the refugee crisis, national courts have begun to ask more questions on the EU migration and asylum legislation, which is likely to remain in focus throughout the year. Cases concerning the validity of the EU/Turkey Statement are now pending before both EU and national courts.

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

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

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

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

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

Related to spending programme(s)
Administrative

Main outputs in 2017:

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

1.5. Quality and timely infringements

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

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

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

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

The Legal Service will continue to monitor internal benchmarks to ensure the timely submission of applications to the CJEU after the Commission has adopted a decision to refer a case to the Court.

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

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

Specific objective 5: Ensure full benefits of rules for the European Union citizens by ensuring that the Member States have fully transposed Union Legislation and apply Union Law correctly Ensuring full benefits of rules and that Union Law is applied correctly.	Related to spending programme(s) Administrative
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Main outputs in 2017:

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

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

PART 2. MAIN ORGANISATIONAL MANAGEMENT OUTPUTS FOR THE YEAR

A. Human resource management

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

Main outputs in 2017:

Output	Indicator	Target
Equal opportunity in middle management	Percentage of female representation in middle management	Maintain at 50%
Organisation of a cycle of specific management training for female lawyers	Repeat the cycle of training Number of participants	Repeated cycle of training
Lunch time conferences	Number of events held	Maintain level of 2016
Organisation of various events with the objective to contribute to an increased staff motivation and appreciation through staff well-being	Number of organised events in the fields of sport and other social activities to take place mainly outside of normal working hours.	At least 10 in 2017.
Information of staff survey actions	Messages to the Legal Service staff to be published on My SJ	>2

The HR Modernisation project implemented according to the Communication on Synergies and Efficiencies of April 2016 makes changes to the way that HR services are delivered. HR services will be delivered by an Account Management Centre (AMC) inside DG HR. Each DG will have an HR Business Correspondent, responsible for defining HR strategy and taking HR decisions, in consultation with the management of the DG, as well as ensuring that the DG gets the HR service it needs, in cooperation with the AMC.

The Legal Service will move to the new way of working in 2017. The Legal Service will be supported by AMC 5 which will serve the following group of DGs: Collège, COMM, EPSC, HOME, IAS, JUST, OLAF, SG, SJ.

Definition of HR strategy and priority actions to make progress towards the Strategic Plan targets are the responsibility of the HR Business Correspondent and will continue to be addressed in the DG Management Plan and Annual Activity Report.

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

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

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

Based on the 2016 staff survey results, there were a few areas in which the scores for the Legal Service have declined since the previous survey. To address this, the Legal Service will undertake information campaigns to let its staff know which actions have been taken.

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

To increase female representation in Senior Management, the Legal Service has introduced a specific training course for potential female managers. This training action will continue in 2017.

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

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

B. Financial Management: Internal control and Risk management

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

Main outputs in 2017:

Output	Indicator	Target
Timely execution of payments	Average payment delay	<20 days
Maintain the residual error rate on payments	Residual error rate	<1%
All transactions are reviewed ex-ante by the financial cellule to ascertain respect of the FR and the contractual conditions. Deviations to be reported to the internal control coordinator.	Transactions made in accordance with the financial circuit.	100%
Faster and better identification of exceptions	Implementation of a new analysis model for potential exceptions.	100% of identified potential exceptions to be analysed with the new model
Training in the financial circuit and the standard contract	Number of training sessions held.	2 per year

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

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

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

Main outputs in 2017:

Output	Indicator	Target
Open recommendations from European Court of Auditors (ECA) and the IAS	Number of critical recommendations from ECA and/or IAS overdue for more than 6 months	None

Conclusion on cost effectiveness of controls for legal expenditure	Maintain existing cost effectiveness of controls for legal expenditure	Overall conclusion
Effectiveness of controls carried out	Number of exceptions and non-compliance events Number of decisions overriding of controls	Keep stable/reduce Zero

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

The Internal Control Coordinator will continue to work towards the improvement of internal controls by undertaking an assessment of the effectiveness and reliability of the internal controls and by suggestions to management on measures to improve it. The ICC will base this assessment on work performed internally in the Legal Service but also on work performed by externals such as the Internal Audit Service and the European Court of Auditors.

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

Main outputs in 2017:

Output	Indicator	Target
Implementation of the anti-fraud strategy and the scheduled updates.	% of implementation of actions planned for 2017 in the anti-fraud strategy	100%
Yearly instruction to Directorates to raise awareness of the anti-fraud strategy	Part of the yearly Risk Management and Internal Control meeting structure.	100% of Directors/HoU followed by a general awareness reminder in the Chef de File meeting.

The Legal Service has implemented its Anti-Fraud Strategy in 2013 and staff have been made aware of it on several occasions. Regular up-dates are foreseen in the AFS, one is scheduled to be undertaken before end of 2019.

C. Better Regulation

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

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

D. Information management aspects

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

Objective 1: Information and knowledge in your DG is shared and reusable by other DGs. Important documents are registered, filed and retrievable.		
Main outputs in 2017:		
Output	Indicator	Target
Ensuring retrieval of documents	Percentage of registered documents that are not filed – yearly target	0 %
The LS intranet, My SJ, to be accessible to all DGs of the Commission via My IntraComm	No longer indicated as a closed service.	Open
Development of template for Court procedural documents in all official languages	Number of standardised documents made available to staff in all official languages	>15

With regard to the decision to restrict access to documents in a fourth team in the Legal Service by 2020; management has not scheduled any particular actions to take place in 2017.

E. External communication activities

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

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

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