



European
Commission

Strategic Plan 2020-2024

Legal Service

Contents

- INTRODUCTION 4
- PART 1. Delivering on the Commission’s priorities 5
 - A. Mission statement 5
 - B. Operating context..... 5
 - C. Strategy..... 7
 - Legal Advice..... 11
 - Legal Representation 14
 - D. Key performance indicators..... 18
- PART 2. Modernising the administration..... 19
 - A. Human resource management 19
 - B. Sound financial management 20
 - C. Fraud risk management 21
 - D. Digital transformation and information management..... 21
 - E. Sound environmental management..... 26
- ANNEX 1 : Portfolio of each thematic team in the Legal Service 27

INTRODUCTION

The purpose of the strategic plan of the Legal Service is to set out its vision and mission for 2020–2024. It presents the performance framework (Part 1 - delivery on the Commission's priorities and Part 2 - modernising the administration), and sets the choice of the von der Leyen Commission general objectives and the derived specific objectives as well as the relevant impact indicators and results indicators to measure its achievements.

The Legal Service occupies a fundamental position within the structure of the Commission. It is a Presidential Service under the direct authority and reporting directly to the President of the Commission, Mrs Ursula von der Leyen.

The Legal Service gives advice to the President of the European Commission, to Commission DGs and Services and has the responsibility of representing the interests of the European Commission in Courts and Tribunals.

By the nature of its activities, 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,

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.

The Legal Service fulfils its role in accordance with Article 17 TUE and in compliance with the Treaties. This involves mainly:

1. giving legal advice on :
 - drafting legislation;
 - conducting international negotiations;
 - acting as Guardian of the Treaties;
 - exercising the implementing powers conferred on it by the Union legislator or by the Treaties.
2. representing the Commission in all litigation, in particular before the European Court of Justice, national courts and arbitration bodies.

The Legal Service has very highly skilled, extremely competent and fully committed staff and an organisational structure in which the work and staff are organised per thematic areas.

PART 1. Delivering on the Commission's priorities

A. Mission statement

The mission of the Legal Service is to ensure that the Commission fully discharges its role in accordance with Article 17 TUE, that the Treaties are correctly interpreted and applied, and that the Commission's acts and legal proposals are always implemented in full accordance with the law of the European Union.

For this purpose, the Legal Service gives legal advice to the President of the European Commission, Mrs Ursula von der Leyen, to the Commission, its DGs and Services, defends the interests of the Commission and of the European Union before the Courts and strives to ensure the highest quality and coherence in the development of Union law. It also assists the Commission in international negotiations.

The Legal Service contributes to the development and implementation of all Commission initiatives. In principle, the Legal Service is not in charge of any programmes or policies, instead. Its main operational activity is to provide internal legal advice at the request of other Commission DGs and Services.

The work of the Legal Service contributes to all of the General objectives.

B. Operating context

Legal expertise and defence of the interests of the European Union

The Legal Service provides its expertise to ensure the quality and conformity of the legal acts of the institution, with the principles and rules of the Treaties, as well as to represent the interests of the institution before the European, international and national Courts. The legal advice it provides is essential for assisting the Commission, its DGs and Services, and to meet the Commission's general objectives in carrying out its work programme.

Not only has the Legal Service the exclusive responsibility to represent the Commission in court cases, but it also provides crucial support by giving legal advice to DGs and Services of the Commission at all stages of the legislative cycle (planning, proposals, adoption, monitoring (infringements) and evaluating/improving existing law).

With its deep knowledge of EU legislation, and its unique expertise in court pleadings and legislative drafting, the Legal Service and its staff ensure coherence in the legislative procedure, both on the subject and from a structural and linguistic point of view. Being a centre of legal expertise, the Legal Service intervenes in preliminary ruling cases where it gives its legal interpretation on EU law to the European Court of Justice.

Dealing with the Covid-19 pandemic

Operationally, the Legal Service has ensured the provision of both timely and high quality legal advice and legal representation during the confinement period, and will continue to do so in all subsequent phases. The Legal Service provides continuous support to DGs and Services on the legal issues arising from the social and economic impact of the Covid-19 virus on the actions of the European Commission, including in the areas of state aid,

monetary policy, public health and asylum and migration questions. While the long-term impact of the Covid-19 virus on the operations of the Legal Service and the European Commission are still evolving, every effort will be taken to ensure that the Legal Service continues to effectively conduct its core activities.

Stakeholders

The Legal Service’ stakeholders directly impacted by the work of the Legal service are the other Commission DGs and services, EU institutions, staff, other international organisations, legal academia and contracted legal experts.

Indirectly, through the advice given to the other DGs and Services, Member States and their citizens, the Ombudsman, Media, European Court of Auditors, national Competition bodies and other private and public bodies, social partners, contractors and grant beneficiaries are also stakeholders.



Negotiations for the European Union to accede to the European Convention on Human Rights (ECHR)

The European Parliament and the Council as well as other stakeholders, including the Council of Europe itself, support the accession of the European Union to the European Convention on Human Rights (ECHR).

Article 6 (2) TEU lays down the obligation, and the legal basis, for the European Union to accede to ECHR. The Commission has been authorised by the Council to conduct the negotiations on behalf of the European Union. The Legal Service is the lead service within the Commission. A first round of negotiations with the 47 states party to the ECHR and within the framework of the Council of Europe was conducted between July 2010 and April 2013. On 5 April 2013, an agreement at negotiators’ level was reached on a draft Accession Agreement and a series of draft accompanying instruments. However, in its Opinion A-2/13 of 18 December 2014 the Court of Justice ruled that the draft Accession Agreement was, on certain points, some of which are legally and politically complex, not compatible with the Treaties. These objections require the European Union to negotiate amendments to the draft Accession Agreement in order to allow the European Union to conclude the Agreement and accede to the ECHR. Since then, negotiations have continued,

led by the Legal Service, following a new mandate to the Commission granted by the Council to achieve the accession objectives.

Priorities of the von der Leyen Commission

The activities in the Legal Service i contribute to all the priorities and general objectives set for the period 2020-2024.

For General Objective n° 1: **A European Green Deal**, the MIME team, the AGRI/Fish team, the SOC team, the Trade Team and the EEI team will work, in particular, on these issues.

For General Objective n° 2: **An Economy that works for all people**, the EEI, the SOC, the MIME, the Trade, the Affaire, the COMP, the AIDE and the BUDG teams will have particular input to make.

For General Objective n° 3 concerning **A Europe fit for the digital age**, the Affair team and the MIME team will mainly be involved.

For General Objective n° 4: **Promoting our European way of life**, the JLS, SOC and INST teams will be involved.

For General Objective n° 5: **A stronger Europe in the world**, the TRADE and the CSFP teams will be responsible for ensuring the global quality of the proposals concerning: enlargement, governance in neighbouring countries, development and humanitarian aid, and trade and investment agreements.

For General Objective n° 6: **A new push for European democracy**, the JLS, INST and Quality of Legislation teams will be closely involved. Under this objective, in association with the CSFP team, the INST team is responsible for the negotiations on the EU accession to the European Convention on Human Rights (ECHR).

C. Strategy

The Legal Service is a service provider to the President of the Commission, Mrs Ursula von der Leyen, to the Commission, to its DGs and Services. It strives to deliver timely high quality advice and effective legal representation. The activities contribute indirectly to all of the General objectives of the Commission. The Legal Service mainly contributes to two General objectives; General objective n° 6: A new push for European democracy, and n° 7: A modern high-performing and sustainable European Commission.

General objective n° 6: A new push for European democracy

The accession by the European Union to the ECHR is expected to strengthen the pan-European system of fundamental rights protection. The accession to the ECHR contributes to **General objective n° 6: A new push for European democracy**.

The INST (Institution) team in the Legal Service is in charge of the negotiations for the accession to the ECHR.

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 (Russia, Turkey, Switzerland and Norway). Given the current geopolitical context the Union will have to pass the strong political message that it seeks accession to the ECHR not for the sake of its own benefit but for that of strengthening the pan-European system of fundamental rights protection and that re-negotiation the draft Accession Agreement in order to take address the objections raised by the Court of Justice is an approach which results from the respect of the rule of law. The negotiation mandate was granted by the Council in October 2019.

General objective 6: A new push for European democracy		
Impact indicator 8: Perceived independence of the national justice systems in the European Union		
Explanation: This indicator measures the percentage of the public that perceives the independence of national justice systems as very or fairly good.		
Origin of the indicator: [Policy document, measurement framework, existing scoreboard, etc. with reference and/or link]		
Source of the data: EU Justice Scoreboard 2019 (based on Eurobarometer survey)		
Baseline (2019)	Interim milestone (2022)	Target (2024)
56%	Increase	Increase

The negotiations on the accession to the ECHR is undertaken by Legal Service lawyers in the Institution (INST) team. The INST team has experience in various kind of negotiations.

Specific objective 3: Negotiations on the accession for the European Union to accede to the European Convention on Human Rights (ECHR)		Related to spending programme: Administrative
Result indicator 3.1: Regular reporting on the progress on the negotiations to the Commissioners		
Explanation: The negotiation on the accession for the European Union to the European Convention on Human Rights is a negotiation with many countries.		
Source of data: Internal reports		
Baseline (2019)	Interim milestone (2022)	Target (2024)
Appointment of the Legal Service to negotiate the accession for the European Union to accede to the ECHR	Regular reports on the progress on the negotiations to the Council and European Parliament (>2 year)	Initiation of the ratification process

General objective n° 7: A modern high-performing and sustainable European Commission.

There is an agreed set of common impact indicators for General objective n° 7 and the activities of the Legal Service should contribute to all of them.

The Image of the European Commission is influenced by the professionalism of the Legal Service operations. It is of importance to the improvement of the image of the European

Commission that the Legal Service continues to provide high quality and timely legal advice and legal representation.

The motivation, competence, commitment and professionalism of Legal Service staff requires continuous training, career development and mentoring, while allowing for a healthy work-life balance.

The Legal Service provides specialised training in leadership to its female staff to encourage them to become managers.

The Legal Service aims to contribute to the improvement of the Environmental performance in the Commission by internal actions on which it can have an influence.

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

Impact indicator 1: Image of the European Commission

Explanation: This indicator is based on the question ‘In general, does the EU conjure up for a very positive, fairly positive, neutral, fairly negative or negative image’. The indicator gives the share of positive and positive views on this question.

Origin of the indicator: Eurobarometer

Source of the data: [Eurobarometer](#)

Baseline (2019)	Interim milestone (2022)	Target (2024)
43 %	increase	increase

Impact indicator 2: Staff engagement index in the Commission

Explanation: Staff engagement measures staff’s emotional, cognitive and physical connection to the job, organisation and the people within it.

Origin of the indicator: European commission Staff Survey

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

Baseline (2018)	Interim milestone (2022)	Target (2024)
69 %	increase	increase

Baseline (2018)	Interim milestone (2022)	Target (2024)
--------------------	-----------------------------	------------------

Impact indicator 3: Percentage of female representation in the Commission

Explanation: This indicator gives the percentage of female representation at middle and senior management level in the European Commission

Origin of the indicator: DG HR

Source of the data: DG HR

Baseline (2019)	Interim milestone (2022)	Target (2024)
40.73%	increase	>=50%

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

Impact indicator 4: Environmental performance in the Commission

Explanation: This indicator looks at percentage reductions compared to 2014 levels. It gives the weighted average for eight Commission sites participating in the Eco-Management and Audit Scheme (EMAS) on specific core parameters. The sites are Commission buildings in Brussels and Luxembourg, as well as JRC sites Geel (Belgium), Petten (the Netherlands), Seville (Spain), Karlsruhe (Germany), and Ispra (Italy), along with DG SANTE at Grange (Ireland)

Origin of the indicator: Eco-Management and Audit Scheme Regulation (EC) No 1221/2009 and amended annexes

Source of data: [Environmental Statement 2018 results \(pg. 23\)](#)

Baseline (2018)	Interim milestone (2022)	Target (2024)
-15%	-9.7%	Achieve greater reduction

Regarding its operational activities, the Legal Service maintains a structure, which has proven to be successful, to ensure the delivery of high quality legal advice and legal representation. It will continue to ensure a very high level of quality of its opinions, even under very tight deadlines or other specific circumstances by:

- ✓ Ensuring that its organisation enables replies to be given to consultations and attendance at court hearings independently of the area in which the requests arise and to do so within the time limits given.
- ✓ Conveying legal advice to 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 when this cooperation between Directorates-General and the Legal Service takes place upstream of the preparation of dossiers, it has proved to be most fruitful. This is why it is important to ensure that the Legal Service is associated from the outset in discussions both at political and at technical level.
- ✓ Continue to develop procedures to ensure that legal requests are treated with the necessary legal precision and in accordance with the law, while, where necessary, seeking and suggesting innovative solutions in conformity with the Treaties and the general interest.
- ✓ Continue to develop effective procedures to ensure coherent legal positions in dealing with files, which frequently concern several areas of law.
- ✓ Continuing to support and encourage 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 Guarding the Treaties.
- ✓ Continuing efforts to ensure the highest level in advocacy of the Commission's interests, in the spirit of collective responsibility for this key task. Representing the

Commission in court cases is the exclusive responsibility of the Legal Service and all of its lawyers contribute to this task.

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

Legal Advice

The Legal Service assists the President of the European Commission, Mrs Ursula von der Leyen, the Commission, its DGs and Services in all areas of the Commission's activities in preparing legal proposals:

- drafting legislation;
- international negotiations;
- role as the guardian of the Treaties;
- powers to implement EU legislation

This fourfold task means that the Legal Service has very extensive horizontal duties as legal adviser to the Commission. To enable the Legal Service to perform its mission effectively, it must be consulted in advance on all documents to be brought before the Commission. Its advice can lead to a reduction in litigation against the Commission. Hence, it contributes to efficiency gains throughout the Commission.

Yearly, there are around 9.000 acts of a legislative nature (draft proposals and draft acts) brought forward for adoption by the Commission. The Legal Service gives its opinion on all of them. It also replies to consultations in the earlier stages of the drafting procedure, it replies to parliamentary questions and to requests from the Ombudsman etc. In a year, the Legal Service will have replied to some 20.000 consultations and other requests. Over the last few years, there has been an increase in Fast-track consultations, for which the Legal Service has to provide its opinion within 48 hours.

The number of consultations has remained stable over the years, however, the areas in which they arise vary from year to year. The internal organisation of the Legal Service has been designed to enable flexibility to meet all incoming requests for legal advice by organising the work in horizontal teams each responsible for a certain 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 provide legal advice in the meetings of the Commissioners and the Heads of Cabinets. The Director General of the Legal Service, attends all these meetings.

All incoming requests for legal advice are distributed to the respective thematic teams. The Director in each team will allocate the work to the lawyers based on their expertise and experience. 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, a central legal coordination function takes independent initiatives to ensure that horizontal aspects of consultations will be considered.

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

The Quality of Legislation team will also provide its advice and expertise to ensure that the legal proposals comply effectively 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 informs the responsible thematic team of its observations and suggestions. These are incorporated into the formal Legal Service replies to consultations.

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
Result indicator 1.1: Reply rate to consultations to Commission DGs and Services		
Explanation: The Legal Service ensures that legal advice is provided in a timely manner and is of high quality to operational DGs and Services as well as other bodies or private persons. Advice on legal acts and proposals will contribute to better, transparent legislation, ultimately in the interest of EU citizens.		
Source of data: Decide, Secretariat General		
Baseline (2019) Average reply rate 91% ¹	Interim milestone (2022) increase	Target (2024) increase
Reply to all Fast Track consultations within deadline (normally 48 hours) – 100%	maintain	maintain
Reply to Parliamentarian questions within deadline, 99%	maintain	maintain
Result indicator 1.2: Contribution to ensure that draft legal proposals are of high linguistic quality when they are sent to the Council and European Parliament for adoption		
Explanation: Well-drafted legal proposals will contribute to transparency in legislation, and in particular in the translation of legislative documents into all EU languages. The preparatory work by the Legal Service' Quality of Legislation team will ensure efficiency gains in the translation process. This will contribute to the image of the European Commission.		
Source of data: Decide, Commission Agenda Planning		
Baseline (2020)	Interim milestone (2020)	Target (2024)
All selected draft legal proposals to undergo linguistic revision 100%	maintain	maintain
All identified acts to be codified as of the Commission Agenda planning – 100%, or 3 acts	maintain	maintain

¹ The Legal Service strives to reply to all consultations within established deadlines. There are certain consultations given priority due to its political importance, urgency etc. Including replied to consultations within 24 hours after the registered deadline, increases the reply rate to 96%.

Specific objective n° 1 contributes to all General objectives.

Performance table for legal advice

The number of total consultation requests is usually around 14.000 per year. The variation between the teams depends on many factors over which the Legal Service seldom has any influence. The flat organisation has been shown to allow the Service to deal with sudden increases for advice in a certain area.

Below, the number of registered requests in ARES per thematic team is presented. The reply rates for different categories of requests are also represented. The Legal Service expects the total number of consultations to fluctuate around 14-15.000 for the years 2020-2024.

Performance table 1: Consultation registered in ARES per thematic teams and year				
Team	2018	Reply rate 2018	2019	Reply rate 2019
Affair	1 250		999	
Agriculture & Fisheries	1 500		1517	
State Aide	599		629	
Budget, customs & taxation	1 171		913	
CFSP, External Relations	1 444		1302	
Competition	1 541		1386	
EI	1 036		1094	
European Civil Servant Law	948		920	
Institution	678		606	
Justice, Freedom & Security	511		405	
Procurement & Recoveries	311		310	
Internal Market	2 945		2777	
Social & Employment	481		351	
Trade & WTO	240		294	
Total documents registered in ARES	14 655		13.503	
Registered in Decide	8.936	89%	8.002	87%
Fast track (reply within 48 h)	207	100%	152	100%
Parliamentary questions	6.264	99%	4.400	99%
Petitions	812	95%	729	95%
Requests from the Ombudsman	73	55%	65	70%
Access to Documents	225	100%	275	100%
Average reply rate		93%		91%

Performance table on legal revision, codification, recast and corrigenda

The Quality of Legislation team analyses the proposed documents for Commission adoption as registered in Decide and, based on several parameters, selects those draft legal proposals to undergo a legal revision. The contribution by 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 proposals translated into all language versions.

The number of reviewed pages was exceptional in 2018 and is expected to stay around 40.000 per year. The number of selected drafts is expected to remain at the current level and acts to codify or undergo recast depends on the Commission DGs.

Performance table 2: Revision of draft legal acts and other work by the Quality of legislation team				
	2018	2018 target	2019	2019 target
Number of draft legal acts selected for legal revision	1675		1914	
Percentage of selected legal acts which underwent legal revision	100%	100%	100%	100%
Number of legal texts revised in two or more languages	150	80	150	80
Number of corrigenda to legal acts	303	340	394	340
Number of legal acts to be codified as of the Commission Agenda Planning	4		3	
Percentage of legal acts codified	100%	100%	100%	100%
Number of reviewed pages	61.000		38.000	

Legal Representation

The Legal Service has the exclusive task of defending the interests of the European Commission before:

- the Court of Justice and the General Court of the European Union;
- the exclusive task of representing the European Union, on behalf of the European Commission, in dispute settlement procedures under the WTO Agreement and other international agreements
- national courts, both in the Member states and in third countries, in cases where the Union or the Commission were parties. A significant proportion of the cases in national courts concerned forced recovery of debts (65 % in 2019).
- the EFTA court;
- Arbitration bodies.

The Director-General of the Legal Service is empowered by the Commission to designate the agents to represent our Institution before the courts. In the most important cases, the Director-General himself represents the Commission in the Court of Justice.

The Commission may:

- act as plaintiff, as in the case of an infringement of EU law by a Member State;
- act as defendant, as in the case of an action for annulment of one of its decisions;
- act as plaintiff or intervene in actions brought against another institution;
- the Commission systematically intervenes as *amicus curiae* in all preliminary ruling procedures before the European Court of Justice

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 attributed to the competent thematic team. The Director in the team will attribute it to a subject lawyer, who will be the main person responsible for the case. A co-agent will also be attributed, 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 the top management might also be organised for the preparation of a court case, should it be of particular political or legal interest or for other horizontal aspects.

As for consultations, the number of ongoing cases does has been steadily increasing over the years. The area to which new incoming cases are related to may vary from one year to another. The organisation of the work in horizontal, thematic teams has proved to allow for the flexibility required for the Legal Service in order to meet rapid changes in its operations.

Preliminary rulings

When a national court is required to apply EU law in a case, it can 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 or to rule on its conformity with Union law.

The preliminary ruling procedure also plays a major role in protecting individual rights since individuals 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 as *amicus curiae* (friend of the court – similar to an expert witness giving a court the benefit of his advice) on how to interpret EU law.

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

Related to spending programme: administrative

Result indicator 2.1: Legal representation is timely and of high quality in order to defend the interests the European Commission and the EU citizens

Explanation: All written documents are filed in due time by the applicable court and that Legal Service staff is present at all court hearings to defend the interest of the European Commission.

Source of data: Bas Contentieux ...

Baseline (2019)	Interim milestone (2022)	Target (2024)
All written documents are filed at the applicable court within deadlines – 100%	maintain	maintain
Presence by Legal Service staff to all court hearings - 100%	maintain	maintain

Specific objective 2 contributes indirectly to all General Objectives.

Performance table on court cases

The table below presents the various types of court cases and other cases undertaken by the Legal Service over the past two years.

Jurisdiction	Cases²	2018	2019
Courts of the Union	On-going cases	1 676	1 923
	New Cases	1 140	1 465
	Closed Cases	1223	1 218
whereof: Infringement cases	On-going cases	22	56
	New Cases	64	8
whereof: Preliminary Rulings	Notified cases	531	655
National Courts	On-going cases	775	631
	New Cases	140³	154⁴
WTO	On-going cases	81	91
	New Cases	45	32
Arbitration cases	On-going cases	22	56
	New Cases	64	8

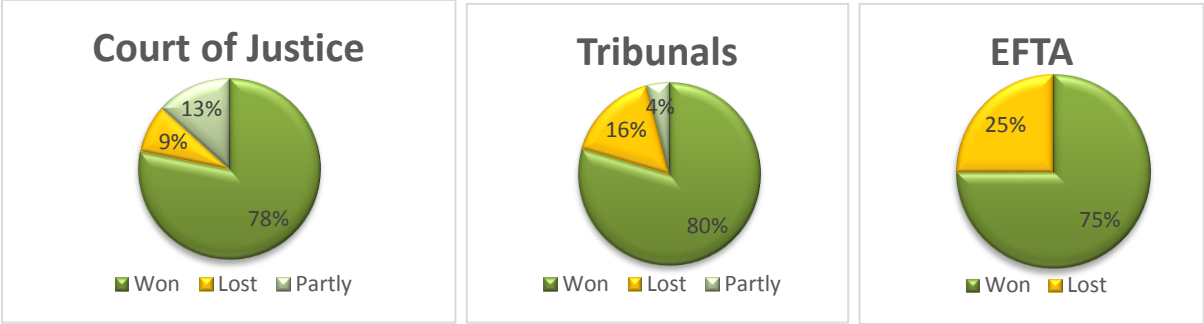
² Figures for On-going cases are indicative.

³ 85 cases brought before national jurisdictions and 55 non-judicial cases (legal opinions, pre-litigation procedures,...)

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

On average, the Legal Service has approximately 2.600 ongoing cases in the Courts of the Union, national courts and the WTO. There is a yearly addition of new cases of approximately 1.200 cases and a similar number of court decisions issued, hence, closing the case. The duration of a court case can vary quite significantly, with an average duration of 26 months.

The results of cases closed in 2019 with a court decision show that the Legal Service has won almost 80% of cases and has been partly successful in additional cases. The Legal Service has lost only one case in the EFTA court, 9% of Court of Justice cases and 16% of Tribunal cases as presented in the table below.



Approximately 2/3 of national litigation concern recovery of debts in which the Legal Service provides legal aid to the Commission DGs and Services in the Commission dunning procedure.

The Legal Service assists the European Commission representing the European Union in all trade negotiations at the World Trade Organisation. The Legal Service also represents the European Union before WTO Panels and the WTO Appellate Body.

The relatively high number of WTO cases, 91 at year-end 2019, can be explained by the high number of offensive, defensive and third party cases in the context of the US tariffs on steel and aluminium and the countermeasures taken by the EU and other WTO members as well as by increasing litigation against China.

The ongoing infringements at the end of 2019 was approximately 1.600. Some 800 new procedures and almost the same number of closed procedures. Thus, the average duration of an infringement procedure is 2 years. Some 50 infringement cases were brought to court.

There were eight new arbitration cases in 2019 and 31 cases were closed during the year. At year-end, there were 56 ongoing cases.

The number of preliminary rulings has increased over the past few years and is expected to continue to increase. In 2019, there were 655 preliminary rulings notified to the Commission by the Court of Justice and EFTA Court.

D. Key performance indicators

The importance of the advice given by the Director-General of the Legal Service, in his role as Legal Advisor to the Commission, at Commission and Heads of Cabinet meetings cannot be underestimated for the impact it has on the Image of the European Commission.

The Commission DGs and Services rely on timely replies to their requests, in particular on those of political or for other reasons, prioritised requests.

Draft legal proposals of high quality (including linguistic quality) will provide efficiency gains in other DGs and Services of the Commission, hence, the contributions from the Quality of legislation team are important and appreciated.

The presence at all court hearings and other pleadings ensure that the views of the European Commission are defended, which is of interest for all European citizens.

For these reasons, the following indicators have been identified as the key ones:

- 1. Presence at all meetings (100 %) of the Commission and Heads of Cabinets (Performance table 1)**
- 2. Reply to >92 % of consultations to Commission DGs and Services within deadlines (Performance table 1)**
- 3. 100% of selected draft legal proposals have undergone a review to ensure a of high linguistic quality (Performance table 2)**
- 4. Ensuring the interests of the European Commission by attendance at all court hearings (100 %) (Performance table 3)**

PART 2. Modernising the administration

This section of the strategic plan describes the efforts of the Legal Service to modernise its way of working and to make the most efficient and effective use of its resources. In the framework of the Commission’s corporate strategy, the Legal Service continues to develop its local strategy.

As a modern public administration, the Commission implements an internal control framework inspired by the highest international standards. The Commission’s system covers all the principles of internal control identified in the Committee of Sponsoring Organizations of the Treadway Commission 2013 Internal Control framework, including financial control, risk management, human resource management, communication and the safeguarding and protection of information. The Legal Service has established an internal control system tailored to its particular characteristics and circumstances and regularly assesses its implementation and overall functioning. This assessment is based on indicators, the most strategic of which are listed in this section of the strategic plan.

A. Human resource management

The Commission attaches great importance to human resource management and puts the engagement and development of its staff at the core of its management objectives. In order to ensure the effective management of human resources and to optimise the capacity to deliver on priorities in this strategic plan, the Legal Service will develop a local HR strategy with a medium to long-term outlook (3–5 years) consistent with the overall corporate HR strategy.

The Legal Service will contribute towards achieving the objective of modernising the administration, through providing innovative legal solutions and proposing new ways of working.

The internal communication team will continue to modernise the methods and messages delivered to staff. These will be based on the guidelines and policies issued by central services.

Objective 1: 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	
Indicator 1.1: Number and percentage of first female appointments to middle management positions	
Source of data: DG HR	
Baseline (female representation in middle management) (12/2019)	Target (2022)⁵
3 (60%)	+2

⁵ The target will be revised and extended by January 2023 for the period 2023-2024.

Objective 1: 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

Indicator 1.2: Legal Service staff engagement index

Source of data: Commission staff survey

Baseline (2018)	Target (2024)
73%	increase, while remaining above the Commission's average

B. Sound financial management

The Legal Service has an annual administrative spending of approximately 4 million Euro. The one policy for which it is responsible, the negotiation on the EU accession to the European Convention on Human Rights,.

The administrative expenditure is mainly used to cover the services of contracted external lawyers and other legal expertise. The most common reason for contracting an external lawyer is for national courts where only a qualified national lawyer can plead. Sometimes, expert knowledge is required or, a particular language skill is needed. The Legal Service applies article 164 § 4 of the Financial Regulation for negotiated procedures. Contracts and payments above 30.000 euro are approved at the highest hierarchical level in the Legal Service.

The other large spending is payment to opposing parties to compensate them for their legal fees, as decided by the Court.

These two expenditures represent >90 % of total payments. The remaining payments are for IT investments and training costs (0.4 million Euro in 2019).

Legal Service staff undertake missions to defend the interests of the European Commission. The mission costs amounts to <0.5 million Euro. The mission costs are committed in the Legal Service, but paid by the PMO.

The centralised financial circuit, the low number of erroneous payments (one over the past 7 years), the absence of detected frauds and other irregularities all indicate that the estimated amount at risk at closure is low.

Objective 2: 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

Indicator 2.1: Estimated risk at closure

Source of data: Legal Service annual activity report

Baseline (2019)	Target (2024)
0.5%	maintain

C. Fraud risk management

Based on the New Commission Anti-Fraud Strategy (CAFS), the Legal Service has drafted a new Anti-Fraud strategy, which was approved by the Director General in February 2020. The action plan to the new Anti-Fraud strategy contain the contributions the Legal Service are expected to provide to the CAFS as well as its own actions.

As mentioned already in B. Sound financial management, the fraud risk exposure in the Legal Service is considered low.

Still, the Legal Service handles sensitive information and has put in place a working group that meets annually to assess the need for updates and new instructions on ethics and the handling of information in possession by the Legal Service. The working group also deals with reported potential incidents and breaches of information. There have been very few incidents over the past few years and none of them has resulted in any severe risk exposure for the Legal Service or the European Commission.

The priority actions over the next five years will be to maintain high fraud awareness among Legal Service staff by yearly publication of the Anti-Fraud strategy and other relevant documents and communications from central services. The Legal Service will contribute to Action 57 of the CAFS by providing legal advice. The progress in all these areas will be reported on yearly. The Legal Service schedules an update of its Anti-Fraud strategy every three years, i.e. 2022 and 2025.

Objective 3: The risk of fraud is minimised through the application of effective anti-fraud measures and the implementation of the Commission Anti-Fraud Strategy⁶ aimed at the prevention, detection and correction⁷ of fraud

Indicator 3.1: Implementation of the actions included in the Legal Service' anti-fraud strategy over the whole strategic plan lifecycle (2020-2024)

Source of data: Legal Service annual activity report, Legal Service anti-fraud strategy, OLAF reporting

Baseline (2018)	Target (2024)
100% of actions implemented in time	100% of action points implemented in time

D. Digital transformation and information management

The existing IT systems of the Legal Service support its key missions of provision of legal advice and follow-up of litigation and contribute to the global effort in the Commission for the quality of legislation.

⁶ Communication from the Commission 'Commission Anti-Fraud Strategy: enhanced action to protect the EU budget', COM(2019) 176 of 29 April 2019 – 'the CAFS Communication' – and the accompanying action plan, SWD(2019) 170 – 'the CAFS Action Plan'.

⁷ Correction of fraud is an umbrella term, which notably refers to the recovery of amounts unduly spent and to administrative sanctions.

In the context of **legal advice**, the Legal Service is active in the usage of the Corporate tools provided by Secretariat General, such as DECIDE, HAN (Hermes-Ares-NomCom) or THEMIS. The legal teams of the Legal Service will remain being fully committed actors in the upcoming evolutions of these systems, under the steering of Secretariat General. Particular attention will ensure that the transformations to come imply the integration of IT systems at service level, which is one of the conditions to ensure compliance with the principles of the European Commission Digital Strategy (ECDS), namely Digital by Default, Once-Only, and Interoperability. In parallel, the Legal Service will sustain this effort through its contribution to the **quality of legislation** initiative, via an active participation in the implementation of the latest tools for legislative drafting such as LEOS/EdiT.

With regard to the **digitisation of its own internal administrative processes**, the Legal Service is already relying extensively on the integration of its information systems with the IT services provided at corporate level for document management (Hermes Repository Services), provision of corporate reference data (COMREF) and other technical services such as CNS (Commission Notification Services) and EU-Login. The Legal Service will remain committed to the principles of the ECDS, which will be maintained and extended in the context of the generalisation of newer services such as the Hermes Preservation Services. The legal teams of the Legal Service will aim at ensuring 100% of electronic validation in document workflows, as currently offered by the e-Signatories in Ares. This effort will be extended with the upcoming support by the corporate tools of advanced electronic signature (AES), which Legal Service teams will endorse whenever offered. An effort of promotion of the usage of the AES by their own contractors for the provision of legal assistance will be undertaken in coordination with DIGIT. On this instance, it will be emphasized that a broader usage of advanced electronic signature is not only a way to optimise business processes, it is also, as demonstrated by the Covid-19 crisis, an **integral and essential part of business continuity**.

Another activity is at the crossroads of advanced management of documents and the provision of legal advice. It consists in the preparation of very long and complex documents produced through **consultations in the field of competition and mergers** and **state aids**. Such consultations take place in a tight schedule, which demands an intense collaboration effort. To ensure that the best technical means are made available to the teams of lawyers concerned, the Legal Service will make use of specific collaboration platforms, validated for the storage of Sensitive Not Classified documents and fully allowing co-edition mechanisms.

In the field of **information and knowledge management**, the Legal Service is currently providing Ref2Link for use by other EU institutions and Member states, via an open source platform funded through the ISA² program. Ref2Link is a set of text analytics tools for the detection and valorisation of legal references, particularly in the field of EU law. On top of that, the Legal Service will provide assistance and support to a broader usage of the component as a service within the Commission, in line with a set of recommendations issued by DIGIT in the context of the Digital Solutions Modernisation Plan (DSMP). It is envisioned to maintain a dual track effort depending on the opportunities offered by the Digital Europe Program that should take over ISA² from 2021 onward.

Besides the straightforward references detection and links automation already in operation, Ref2Link, through the use of semantic web technologies, paves the way for forward looking use cases what would provide assistance for legal analysis and reasoning. These use cases involve terminology management and linked data, allowing for instance to yield knowledge graphs applied to law, case law and/or political instruments.

A knowledge base, built within the SOLON-KM system during the previous decennia, was relying on traditional database technologies. It will progressively transformed to use these new paradigms for which Ref2Link is one of the technical enablers. The Ref2Link project implies collaboration and contacts with institutional or private actors, which guarantees that the Legal Service maintains its expertise in the quickly evolving domain of Legal Tech.

Regarding **data management**, the situation at the Legal Service, as an internal service, differs from the one of policy DGs, which are at the origin of the creation or collection of massive sets of data in support of their policies. Still, the Legal Service has to handle very specific data related to the processes in support of litigation procedures within the ULM set of applications. This data, though limited in volume, will be subjected to an analysis and modelling effort, notably to assess whether it could be partly be retrieved from the open data made available by the registries of jurisdictions.

As for knowledge of the rules on the protection of personal data, all members of the Legal Service receive the SG's Guide to Data Protection and the SG's Guide to Document Management and Access to Documents in both digital and paper form. In the coming two years, all lawyers will be expected to attend a training session on data protection. Furthermore, all lawyers are expected to follow the case law of the Court of Justice on the subject.

In the field of **support to litigation**, Legal Service teams widely use e-Curia for the submission of court procedural documents to the jurisdictions of the European Court of Justice. The coverage for transmission through this channel, offered by the European Court of Justice, will be set to 100%. In addition, teams of the Legal Service will be encouraged to make use of document signing through the means currently available within the Commission, that is advanced electronic signature through SECeM-2 certificates. Another goal will be the implementation of a full integration in Unified Litigation Management of the preparation of Court procedural documents. The refunded procedures will start from contextual templates available in the system to the submission of the actual documents, possibly electronically signed with AES while complying with the electronic signing native to e-Curia. The submitted documents will be finalised through an automated registration in the document management system of the Commission.

The commitment of Legal Service to the implementation of these **digitalisation** initiatives is the condition for the **resilience** of its business processes. This global effort will ensure that the fulfilment of the Legal Service' missions is compatible with the stringent requirements of **mobility** This is particularly important in the context of an unstable global environment, prone to ongoing and recurring crisis.

Objective 4: 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

Indicator 4.1: Degree of implementation of the digital solutions modernisation plan⁸

Source of data:

Baseline (2018)	Interim milestone (2022)	Target (2024)
10%	50 %	80 %

Indicator 4.2: Percentage of Legal Service' key data assets⁹ for which corporate principles for data governance¹⁰ have been implemented

Source of data: 4 key data assets (Follow up litigation (ULM), RECO, Solon KM, JUREV)

Baseline (2018)	Interim milestone (2022)	Target (2024)
20%	50%	80%

Indicator 4.3: Percentage of staff attending awareness raising activities on data protection compliance

Source of data:

Baseline (2018)	Interim milestone (2022)	Target (2024)
25%	100 %	100% of staff

⁸ The European Commission Digital Strategy (C(2018)7118) calls on Commission services to digitally transform their business processes by developing new innovative digital solutions or make evolve the existing ones in line with the principles of the strategy. At the beginning of the year N+1, the Solution Owner and IT Investments Team will assess the progress made on the basis of the proposed modernisation plan. For each of the 3 solutions, a table will reflect – per principle - the progress achieved during the last year.

⁹ A key data asset is defined as any entity that comprises a source of data based on projects or administrative processes, structured or semi-structured in an information system, a database or a repository of data or corpora of text. A data asset can include multiple datasets or files somehow linked, e.g. by common codes or metadata. Commission key data assets have been documented in the data inventory Ares(2019)2586155.

¹⁰ This indicator follows up on the progress of services in implementing corporate data governance and data policies for their key data assets included in the EC data inventory. See [Ares\(2019\)4441343](#) in the context of the [DataStrategy@EC action plan](#). In summary, this means that for each key data asset, services should assess if the following principles have been respected:

- Identify and designate the data owner and the data steward(s).
- Instruct their data stewards to share the metadata of their data assets in the Commission's data catalogue and to keep them up to date.
- Design and document processes for data collection/creation, acquisition, access, sharing, use, processing preservation, deletion, quality, protection and security. Information concerning these processes should be made available to anyone interested, as long as any confidentiality restrictions are respected.
- Make any necessary changes and updates to the IT systems used for storing, managing and disseminating these data assets to implement the aforementioned requirements and processes.

A data governance hub will shortly offer a single point of access on the intranet for related guidance and information. It will be complemented by further practical guidance in the course of 2020.

Implementation of the 11 core principles defined by the EC Digital Strategy for the top 3 most expensive IT solutions

ULM system	(0=not implemented; 1=partially implemented; 2=well implemented)		
	Baseline (2020)	Interim milestone (2022)	Target (2024)
1.1 Digital by default	2	2	2
1.2 Once only	2	2	2
2.1 Security	2	2	2
2.2 Privacy	2	2	2
3.1 Openness	1	1	2
3.2 Transparency	1	1	2
4.1 Interoperability	1	2	2
4.2 Cross border	1	1	2
5.1 User centric	1	2	2
5.2 Data driven	1	1	2
5.3 Agile	1	2	2
	68%	81%	100%
FINSJ system	(0=not implemented; 1=partially implemented; 2=well implemented)		
	Baseline (2020)	Interim milestone (2022)	Target (2024)
1.1 Digital by default	2	2	2
1.2 Once only	2	2	2
2.1 Security	2	2	2
2.2 Privacy	2	2	2
3.1 Openness	1	1	1
3.2 Transparency	1	1	2
4.1 Interoperability	1	1	2
4.2 Cross border	NA	NA	NA
5.1 User centric	1	2	2
5.2 Data driven	1	1	2
5.3 Agile	1	1	2
	70%	75%	95%

Implementation of the 11 core principles defined by the EC Digital Strategy for the top 3 most expensive IT solutions

SOLON system	(0=not implemented; 1=partially implemented; 2=well implemented)		
	Baseline (2020)	Interim milestone (2022)	Target (2024)
1.1 Digital by default	2	2	2
1.2 Once only	1	2	2
2.1 Security	2	2	2
2.2 Privacy	2	2	2
3.1 Openness	1	2	2
3.2 Transparency	1	1	2
4.1 Interoperability	1	2	2
4.2 Cross border	1	1	1
5.1 User centric	1	2	2
5.2 Data driven	1	1	2
5.3 Agile	1	2	2
	64%	86%	95%

E. Sound environmental management

The Legal Service will promote the EMAS corporate campaigns at local level and continue to make presentations on waste reduction to Commission DGs, Services and Agencies as well as encourage staff to suggest, develop and test new ways of working, which would contribute to the reduction of the Commission's environmental impact. All these actions will support the Commission's commitment to implement the objectives of the Green Deal for its own administration, including becoming climate neutral by 2030.

Objective 4: The Legal Service takes full account of its environmental impact in all its actions and actively promotes measures to reduce the related day-to-day impact of the administration and its work.

Indicator 4.1: Promoting active contribution to waste reduction by participating in various waste reduction campaigns and proposals for new ways of working which would decrease waste

Source of data: Internal report from the EMAS correspondent and DG HR

Baseline (2018)	Target (2024)
Participation in 4 waste reduction campaigns	Maintain or increase
New ways of working with the aim to reduce environmental impact (new initiative)	One pilot to have been commenced

ANNEX 1 : Portfolio of each thematic team in the Legal Service

Equipe AFFAIR (Établissement, services, droit des affaires, circulation des capitaux, transports, propriété intellectuelle et société de l'information)

Equipe AGRI (Agriculture et pêche)

Equipe AIDE (Aides d'Etat et dumping)

Equipe BUDG (Budget, douanes, fiscalité) : Mise en œuvre du budget, règlement financier, Douanes, Recherche, Instruments structurels, Fiscalité

Equipe CONC (Concurrence) : Application des articles 101 et 102 TFUE (anciennement articles 81 et 82 du Traité CE) et 106 TFUE (anciennement article 86 du Traité CE), Concentrations (Règlement (CEE) n° 139/2004)

Equipe INST (Institutions) Traités et questions générales de droit de l'Union, Institutions, organes et agences, Citoyenneté de l'Union et accès aux documents, Valeurs de l'Union et droits fondamentaux, Privilèges et immunités

Equipe JLS (Justice, liberté et sécurité, droit privé et droit pénal) : Coopération judiciaire en matière civile, Coopération judiciaire en matière douanière et policière, Coopération judiciaire en matière pénale, Circulation des citoyens de l'Union, Asile, immigration, visa et réfugiés

Equipe MIME (Marché intérieur, marchandises, énergie y compris Euratom, entreprise, union douanière, environnement)

CSFP Team (CFSP and External relations): Horizontal and institutional questions concerning the external relations of the European Union and Commission participation to CFSP; Public international law, International humanitarian law and International organisations; Bilateral and multilateral relations with third countries; Development cooperation policy, relations with African, Caribbean and Pacific (ACP) partner countries and the European Development Fund; Enlargement, Neighborhood policy, European Economic Area and relations with other European countries; External financing instruments under the EU budget; Restrictive measures (International sanctions).

Equipe SOC (Emploi et affaires sociales, éducation et culture, santé et protection des consommateurs) : Emploi et conditions de travail, Égalité hommes/femmes, Sécurité et santé au travail, Sécurité sociale des migrants, Libre circulation des travailleurs, Éducation, formation professionnelle et jeunesse, Culture, Santé publique, Sécurité alimentaire, Protection des consommateurs, Politique antidiscriminatoire (art. 13), Protection sociale

Equipe TRADE (Politique du commerce et OMC) : Politique commerciale, Aspects commerciaux des accords internationaux, Organisation mondiale du commerce (OMC), Règlement des différends

Equipe FPE (Droit de la fonction publique européenne)

Equipe EEI (EUROZONE et questions économiques) : Union économique et monétaire, Euro, mécanismes d'assistance financière et soutien aux réformes structurelles, Statistiques européennes,

Opérations et instruments financiers, garanties budgétaires, BEI, Cadre financier pluriannuel, procédures budgétaires annuelles, Ressources propres, Cour des comptes, Service d'audit interne, Protection des intérêts financiers de l'Union, OLAF et Parquet européen.

Equipe LEG (Qualité de la législation) : intervient en amont pour assurer le respect des règles de technique législative, telles qu'énoncées notamment dans le Guide pratique commun à l'intention des personnes qui contribuent à la rédaction des textes législatifs de l'Union européenne, et pour veiller à ce que les propositions législatives et projets d'actes de la Commission soient rédigés avec clarté et précision et conformément à ces règles. Dans ce contexte, l'équipe fournit des conseils sur la rédaction des actes juridiques de l'Union.