



European  
Commission

# Management Plan 2020

Legal Service

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## INTRODUCTION

The purpose of the management plan of the Legal Service is to present how it will plan and execute its activities to deliver in 2020 high quality and timely legal advice, how it will ensure the legal representation of our institution and how it will organise its work internally so as to be as effective and efficient as possible. These activities will contribute to the general objectives of the European Commission led by President the von der Leyen.

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 European Commission, Mrs Ursula von der Leyen.

The Legal Service has the unique responsibility of defending the interests of the European Commission in Courts and Tribunals. By the nature of its activities, through both its advisory role and its litigation role, the Legal Service directly contributes to all six priorities of the von der Leyen Commission , and in particular, to;

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

The role of the Legal Service is to provide advice to the President of the European Commission, to Commission services and to the Commission in fulfilling its mission 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 and delegated 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, and representing the Union before international courts and tribunals.

The work in the Legal Service is reactive and recurrent. Deadlines for replies to requested legal advice are short, between 48 hours and 10 working days for most of them. The current trend shows an increase of consultations with short deadlines. The average duration of a court case is approximately 2 years. In the context of the corona virus pandemic and the lock-down arising from this, the Legal Service will continue to offer the same level of reactivity and quality advice. In hearings before the European Court of Justice, the Legal Service will ensure that the Commission is represented at all times.

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

The Legal Service is in charge of the policy for the negotiations for the European Union to accede to the European Convention on Human Rights, (ECHR) and is closely involved in the ongoing negotiations.

## **PART 1. Delivering on the Commission's priorities: main outputs for the year**

The Legal Service is an internal service provider to the Commission, its DGs and Services. It is a service that must respond to requests for legal advice and legal representation. Legal advice is given in all areas of EU legislation by the thematic legal teams. Advice on structural, clarity related and linguistic aspects of legal acts is given by a specialised horizontal team, the Quality of Legislation team.

Defending the interests of the European Commission before courts and tribunals is the other main task of the Legal Service. It represents the European Commission in litigation cases in the Union Courts, Tribunals and in national courts. It also defends the interests of the European Union in international dispute settlement bodies such as the WTO and in arbitrations bodies.

To meet the requests for legal advice and legal representation, the Legal Service has very highly skilled, competent and committed staff and an organisational structure in which the work and staff are organised per thematic areas (each team responsible for client DGs). Advice on linguistic aspects of legal acts are given by a specialised team, the Quality of Legislation team. This organisational design enables the Legal Service to respond to all different kinds of incoming legal proposals; to give advice on content, identify potential issues of coherence as well as providing legal-linguistic improvements, all with the purpose of ensuring legal texts of the highest quality in all areas of Commission activities and to defend the interests of the European Commission in court proceedings, in European Union and national courts, in arbitration procedures as well as and in other negotiations.

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

### **1.a Legal advice**

The Legal Service assists the President of the European Commission, the Commission, its DGs and Services in all areas of the Commission's activities:

- preparing legal proposals;
- drafting legislation;
- international negotiations;
- role as the guardian of the Treaties;
- powers to adopt, implementing and delegated acts

This fourfold task means that the Legal Service has very extensive horizontal duties as provider of legal advice to the Commission. The task contributes to the **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 can lead to a reduction in the number of court

cases brought against the Commission; hence, it contributes to efficiency gains throughout the Commission.

Yearly, there are around 9.000 acts of a legislative nature (proposals and legal 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. Every year, the Legal Service issues legal opinions on some 14.000 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 team. The Director in each team will attribute 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, the Director General, inter alia through the Assistants, ensures the necessary legal coordination function so that the horizontal aspects of consultations will be considered and coherence in the legal advice given by the Service is maintained.

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

The indirect contribution to the six priorities/ general objectives for the period 2020-2024 by the Legal Service is mainly:

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.

The Affair team and the MIME team will mainly be involved and contribute to the General Objective n° 3 concerning **A EUROPE FIT FOR THE DIGITAL AGE**.

For General Objective n° 4: **PROMOTING OUR EUROPEAN WAY OF LIFE**, the JLS, SOC and INST teams will be involved.

The TRADE and the CSFP teams will be responsible for ensuring the global quality of the proposals concerning: enlargement, governance in neighbourhood, contractors, development and humanitarian aid, and trade and investment agreements, thus contributing to General Objective n° 5: **A STRONGER EUROPE IN THE WORLD**.

To ensure the quality of proposals on General Objective n° 6: **A NEW PUSH FOR EUROPEAN DEMOCRACY**, the JLS, INST and Quality of Legislation teams will be closely involved. Under this general objective also fall the negotiations on the accession to the European Convention on Human Rights (ECHR), for which the INST team is responsible in association with the CSFP team.

<b>General objective 7: A modern high-performing and sustainable European Commission</b>		
<b>Specific objective 1.1 and 1.2:</b> <i>Timely and high quality legal advice to Commissioners, Cabinets, Commission DGs and Services</i>		<i>Related to spending programme: Administrative</i>
<b>Main outputs in 2020:</b>		
<b>Other important outputs</b>		
<b>Output</b>	<b>Indicator</b>	<b>Target</b>
Legal advice to the Commission	Attendance by DG or replacement in Commission and Heads of Cabinet meetings	100 %
Average reply rate to Consultations	% of replies within deadlines	92 %
Reply to all Fast Track consultation within deadline	% of replies within deadlines	100 %
Reply to Parliamentarian questions within deadline	% of replies within deadlines	99 %
Reply to Decide consultations within deadline	% of replies within deadlines	87 %
Reply to Petition consultations within deadline	% of replies within deadlines	95 %
Reply to questions from the Ombudsman	% of replies within deadlines	95 %
Reply to Access to documents within initial request deadline	% of replies within deadlines	100 %

Replying to legal consultations and legal defence will, by its nature, contribute to the two 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) and n° 2 (Guarding the Treaties and defending the European Commission in courts, tribunals

and other arbitration bodies to ensure the full benefits of law for EU citizens) in the Strategic Plan for 2020-2024.

### Performance table for legal advice

The total number of 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 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.

<b>Performance Table 1 on Legal Advice: Consultation registered in ARES per thematic teams and year</b>						
<b>Team</b>	<b>2018</b>	<b>Reply rate 2018</b>	<b>2019</b>	<b>Reply rate 2019</b>	<b>2020</b>	<b>Reply rate 2020</b>
<b>Total documents registered in ARES</b>	<b>14 655</b>		<b>13.503</b>		<b>Approx. 14.000</b>	
<b>Registered in Decide</b>	<b>8.936</b>	<b>89%</b>	<b>8.002</b>	<b>87%</b>		
<b>Fast track (reply within 48 h)</b>	<b>207</b>	<b>100%</b>	<b>152</b>	<b>100%</b>		
<b>Parliamentary questions</b>	<b>6.264</b>	<b>99%</b>	<b>4.400</b>	<b>99%</b>		
<b>Petitions</b>	<b>812</b>	<b>95%</b>	<b>729</b>	<b>95%</b>		
<b>Requests from the Ombudsman</b>	<b>73</b>	<b>55%</b>	<b>65</b>	<b>70%</b>		
<b>Access to Documents</b>	<b>225</b>	<b>100%</b>	<b>275</b>	<b>100%</b>		
<b>Average reply rate</b>		<b>93%</b>		<b>91%</b>		<b>&gt;92%</b>

Detail on consultations per thematic team can be found in annex 1.


### 1.b Legal revision

The Quality of Legislation team contributes to the quality of legal proposals 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 also contributes to the **General objective n° 7: A modern, high-performing and sustainable European Commission.**

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 and draft proposals to be translated into all language versions. Well-drafted legal proposals will enable better and more accurate translation into all EU languages and therefore legal clarity and certainty.

The services provided by the Legal Service teams are both proactive and reactive. From all legal acts registered in *Decide*, the Quality of Legislation team will select acts for revision based on several parameters. It will also select certain texts for multilingual concordance reviews to ensure that the legal acts are correctly translated into all EU languages. As the lead service it will also assist the Commission DGs and Services in codification i.e. updating legislative acts, by incorporating the existing amendments into the act.

For many years, the Quality of Legislation team has also provided on request training to DGs to improve legislative drafting. In the framework of the digitalisation of work procedures the Quality of Legislation team follows and contributes to the development of techniques and tools using artificial intelligence for the elaboration of legislation .

<b>General objective 7: A modern high-performing and sustainable European Commission</b>		
<b>Specific objective 1.3:</b> <i>Timely and high quality legal advice on draft legal proposals</i>		<i>Related to spending programme: Administrative</i>
<b>Main outputs in 2020:</b>		
<b>Other important outputs</b>		
<b>Output</b>	<b>Indicator</b>	<b>Target</b>
All selected draft legal proposals to undergo legal revision	% of selected texts	100%
All identified acts to be codified as of the Commission agenda planning 	% of identified acts	100%
Number of legal revisions in two or more official languages	Number of texts	>100
Number of corrigenda	Number of texts	>250
Development of legislative drafting in the area of artificial intelligence and digitalisation	Continuous development	

Replying to legal consultations will, by its nature, contribute to the two 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 for the European citizens) in the Strategic Plan for 2020-2024.



## Performance table for linguistic revision

The number of reviewed pages in 2019 was 38.000 and is expected to stay around the same for 2020. The number of selected drafts is expected to remain at the current level. As for codifications, each year the team establishes a list of acts which should be codified and proposes codifications accordingly to the DGs. Recast ultimately depends on the competent DGs, but the team gives advice on whether a recast is suitable.

<b>Performance Table 2: Revision of draft legal acts and other work by the Quality of legislation team</b>					
	<b>2018 target</b>	<b>2018</b>	<b>2019 target</b>	<b>2019</b>	<b>2020 target</b>
Number of draft legal acts selected to undergo legal revision		1675		1914	> 1.800
Percentage of selected legal drafts to undergo legal revision	100%	100%	100%	100%	100%
Number of legal texts revised in two or more languages	80	150	80	150	80
Number of corrigenda to legal acts	340	303	340	394	340
Number of legal acts to be codified according to the Commission Agenda Planning		4		3	3
Percentage of legal acts codification	100%	100%	100%	100%	100%
Number of reviewed pages		61.000		38.000	Approx. 40.000

## 2. Legal Representation

The Legal Service has the exclusive task of defending the interests of the European Commission and of the 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 were parties. A significant proportion of the cases in national courts concerned forced recovery of debts (65 % in 2019).
- the EFTA court;
- 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
- 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. 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 plaintiff, for instance 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 against or intervene in actions brought against another institution;
- the Commission also systematically intervenes as *amicus curiae* in all preliminary ruling procedures before the European Court of Justice.

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

As for consultations, the number of ongoing cases has been steadily increasing over the years. The areas 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 operation.

### 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.

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.

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

**Specific objective 2.1:** Timely and high quality legal representation

Related to spending programme:  
Administrative

### Main outputs in 2020:

#### Other important outputs

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

### Performance table on court cases

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

Performance table 3: Number of cases managed by the Legal Service per year and per jurisdiction				
Jurisdiction	Cases <sup>1</sup>	2018	2019	2020
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	34	
whereof: Preliminary Rulings	Notified cases	531	655	
National Courts	On-going cases	775	631	
	New Cases	140 <sup>2</sup>	154 <sup>3</sup>	
WTO	On-going cases	81	91	
	New Cases	45	32	
Arbitration cases	On-going cases	22	56	
	New Cases	64	8	

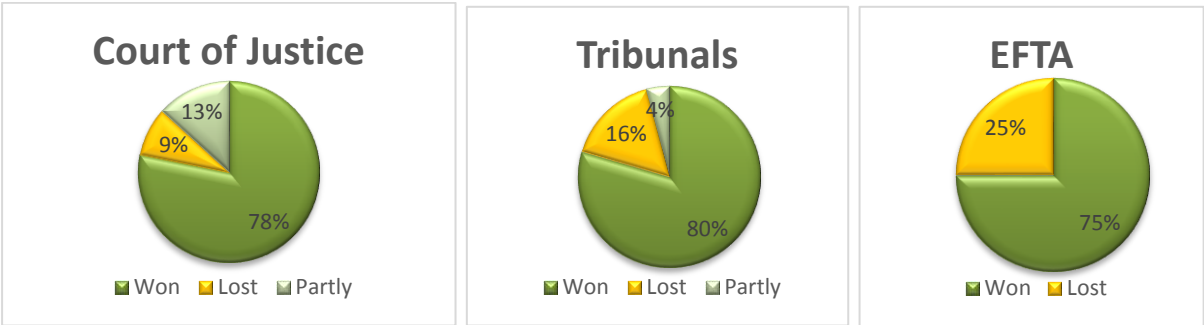
<sup>1</sup> Figures for On-going cases are indicative.

<sup>2</sup> 85 cases brought before national jurisdictions and 55 non-judicial cases (legal opinions, pre-litigation procedures,...)

<sup>3</sup> 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 final decisions closing the case. The duration of a court case can vary quite significantly, with an average duration of 26 months. It is not clear at this stage, what impact the Covid-19 lock-down will have on the number of new cases and the number of court cases dealt with by the Courts of the Union.

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 pie charts below.



Approximately 2/3 of national litigation concerns recovery of debts in which the Legal Service provides legal will either represent the Commission or appoint and supervise external lawyers to represent the Commission.

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 number of ongoing infringement proceedings at the end of 2019 was approximately 1.600. Some 800 new procedures and almost the same number of closed procedures. Some 50 infringement cases were brought to court.

There were eight new trade 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. In 2019, there were 655 preliminary rulings, which was a historical record, notified to the Commission by the Court of Justice and EFTA Court.

### 3. Negotiations to accede to the European Convention on Human Rights (ECHR)

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**.

Within the Legal Service, the INST (Institution) team leads 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 of the draft Accession Agreement in order to 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. A resumption of negotiations was envisaged for spring 2020, but due to the Covid-19 outbreak, it was postponed.

<b>General objective 6: A new push for European democracy</b>		
<b>Specific objective 1:</b> <i>Regular communication to the Commission on the progress in the negotiations</i>		<i>Related to spending programme: Administrative</i>
<b>Main outputs in 2020: Progress in the negotiation for the European Union to accede to the European Convention on Human Rights (ECHR)</b>		
<b>New policy initiatives</b>		
<b>Output</b>	<b>Indicator</b>	<b>Target</b>
Regular communication on the progress in the negotiations to accede the ECHR	Number of reports	>2 reports per year

## **PART 2. Modernising the administration: main outputs for the year**

The priority for 2020 is to ensure business continuity during the Covid-19 pandemic. Every effort will be made to ensure that all delays are respected and that the Legal Service continues to operate, providing high quality legal advice and representation. Every effort will be made to protect the health of staff and to ensure that work-life balance is maintained in these particularly difficult circumstances.

The internal control framework<sup>4</sup> supports sound management and decision-making. It notably ensures that risks to the achievement of objectives are taken into account and reduced to acceptable levels through cost-effective controls.

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

### **A. Human resource management**

The organisational structure of the Legal Service has been designed to enable the Service to work in the most efficient and effective manner possible. The current hierarchical structure has allowed so far to best support the activities of the Legal Service. The fact that it has remained stable over the years has allowed the continuity of the activities of the Legal Service in a predictable environment for all staff. Management will continue to undertake regular analysis of the legal teams' portfolios to ensure that they reflect Commission priorities and the regular reorganisations in other Commission DGs and Services.

Maintaining a well-functioning organisation is a top priority for the Legal Service and therefore it intends to continue with certain established activities that it believes are the factors contributing to staff satisfaction and well-being.

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.

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<sup>4</sup> [Communication C\(2017\)2373 – Revision of the Internal Control Framework](#)

The LS will continue to actively support staff and managers through the COVID-19 crisis and its aftermath, through guidance on learning and professional development, internal communication actions, virtual participatory events and flexible solutions to ad hoc needs.

To increase female representation in Middle and Senior Management, the Legal Service will continue with its specific training course for potential female managers. In 2020, a number of vacancies for senior posts will be published due to the retirement of a number of Principal Legal Advisors. In close collaboration with the President’s cabinet and with DG HR, every effort will be made to ensure that the appointments to these posts reflect the Commission’s senior management strategy in particular with regard to improving the presence of female managers.

The results of the most recent staff opinion survey has allowed the Legal Service to identify those areas where the Service scores well and those areas where greater efforts are required. 2020 will see the implementation of our Development Plan drawn up to this effect.

**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 2020:**

<b>Output</b>	<b>Indicator</b>	<b>Target</b>
Management training for female lawyers	N° of cycles of management training for female lawyers	>1 per year
Sharing knowledge by organising lunch time conferences	N° of lunch time conferences	>16 per year
Contribution to staff motivation and wellbeing by organising social events	N° of organised social events	>8 per year
Implementation of actions taken as a result of the Commission staff survey in 2018	N° of actions implemented	>2 per year
Analysing, concluding and reporting on the internal survey on change management	N° of publications	>1 publication
Drafting a local HR strategy based on the new corporate HR strategy	Draft HR strategy prepared by Q4 2020	yes

## 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 is the negotiations 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. Often, expert knowledge is required or, a particular language skill is needed.

The Legal Service concludes contracts for legal services in the sense of point 11.1.h of Annex I to the Financial Regulation on the basis of a negotiated procedure with minimum one candidate. 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 and other irregularities all indicate that the estimated amount at risk at closure is low.

**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 2020:

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
Efficient controls	Time-to-pay	Remains < 14 days
Economical controls	Overall estimated cost of controls	Remains < 9 % of funds managed



## 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 contains the contributions the Legal Service is 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.

The working group for Ethics and handling of information will continue to assess reported breaches and making sure that there is updated and sufficient information provided to staff in how to handle various kinds of information, sensitive and non-sensitive and that the staff are aware of the particular ethical aspects for the Legal Service.

The Legal Service will contribute to the implementation of the CAFS by providing legal advice on, in particular, action n° 57 linked to the implementation of the CAFS.

**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)<sup>5</sup> aimed at the prevention, detection and correction<sup>6</sup> of fraud

### Main outputs in 2020:

Output	Indicator	Target
Assessment of reported breaches, updates of guidelines and instructions, and issuance of new guidelines and instructions.	N° of meetings held by the working group for Ethics and Handling of Information	2 times per year
Ensuring that the ethics rules are known by all staff in the Legal Service	Yearly confirmation of ethics awareness	>90 %
Improvement of fraud awareness in the Legal Service	Publication of the Legal Service Anti-Fraud Strategy	>1 publication
Contribution to Action 57 on the implementation of the CAFS	Legal advice provided	yes

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<sup>5</sup> 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'.

<sup>6</sup> Correction of fraud is an umbrella term, which notably refers to the recovery of amounts unduly spent and to administrative sanctions.

## D. Digital transformation and information management

2020 will see the running-in of new versions of the specific information systems of the Legal Service currently in the works, in line with corporate digital policy<sup>7</sup>, ensuring a clean separation of data, business logic and user's experience. This major migration effort was triggered by the mandatory rewriting of the current ColdFusion instances, due for phase-out. This includes the delivery of all front-end components for the modules of ULM (Unified Litigation Management) that handle the follow-up of litigation proceedings in front of the European Court of Justice and other European and international jurisdictions. The rewriting, testing and switch to production of front-end components should be completed before the end of the year. More specialised modules for the follow-up of national litigation and of dispute settlements at the WTO will follow by the end of the year.

Another goal will be the implementation of a full integration in Unified Litigation Management of the preparation of Court procedural documents. The 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.

In addition, the migrated version of the system for the follow-up of recovery orders handed by DG BUDG to the Legal Service (RECO) will be put in the works before the end of the year. At the same time, the migration of SOLON, the knowledge management toolset at the Legal Service, will be started. This will be the occasion for a major functional update and simplification.

In the context of the ISA<sup>2</sup> 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. The Legal Service will adapt the offer of Ref2Link so that its components may be put to efficient use by other DGs and services in full integration with the DIGIT's Digital Workspace in the Commission.

In a push for a broader usage of collaborative platforms, the Legal Service has requested and obtained the availability of a specific platform suited for the co-edition of sensitive, non-classified documents. This platform will be evaluated in the context of the provision of advice in the field of competition and possibly extended to similar needs for other teams.

In order to increase awareness and 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 and to be fully conversant with it.

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<sup>7</sup>Communication to the Commission "EUROPEAN COMMISSION DIGITAL STRATEGY A digitally transformed, user-focused and data-driven Commission", C(2018) 7118 of 21 November 2018.

**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 2020:**

<b>Output</b>	<b>Indicator</b>	<b>Target</b>
Rewriting of the 3 modules Base Contentieux, Board, Templates of Unified Litigation Management	Front-end modules are put into production for use by the legal teams	100% of the teams are using these new modules (front-end component)
DSMP (Digital Strategy Management Plan) recommendations for Ref2Link for a wider availability of Ref2Link within the Commission	Implementation of recommendations	85% of recommendations are implemented
A collaborative platform for the co-edition of Sensitive, Non-classified documents	The platform is available	The real-world suitability of the solution is evaluated
All lawyers to take an online EU training or to participate in an advanced seminar to ensure increased awareness and knowledge on data protection rules	% of lawyers undertaking training/ participating in seminar	50% of all Legal Service lawyers by end of 2020

## **E. Sound environmental management**

The EMAS correspondent in the Legal Service and three other DGs have developed complementary presentations on various aspects of waste reduction that they offer to all Commission DGs, Services and Agencies. Given the success of this concept, support will also be given to other EMAS correspondents on how to develop their own presentations (sharing of best practise).

The Commission pilot on replacing the individual waste bins with sorting stations at central locations are giving indications of considerable improvement in correct waste sorting. OIB has offered all DGs and Services in the Berlaymont building to implement the sorting stations. The implementation will take place during 2020.

**Objective:** 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

**Main results and outputs in 2020:**

Output	Indicator	Target
Reduce Waste presentations to Commission DGs, Services and Agencies	N° of presentations given	4
Bottle top collection	N° of bottle top collections in BERL (joint action with Sec Gen and the Cabinets)	>=1
Implementation of Sorting Stations	Successful implementation of sorting stations in BERL (joint action with Sec Gen, DG Comm and HR DS)	Implemented before year end 2020

## F. Examples of initiatives to improve economy and efficiency of financial and non-financial activities

In 2020, the Legal Service will start the following two initiatives, which both will ensure the administrative efficiency of legal teams and the continuity of financial-related activities handled by the MAREC unit.

The Legal Service will implement a full integration of the preparation of Court procedural documents from within Unified Litigation Management. For an ongoing case, the system will propose the template relevant to the current state of the proceedings and the procedural language. The template will then be filled-in with actual data from the current case, such as the names of the agents or the current procedural step. The document will then be prepared and edited by the agent and their assistants. When the agents mark the document as ready, the system may apply an advanced electronic signature - while complying with the electronic signing native to e-Curia. It will then finalise the handling of the submitted documents with an automated registration and filing in the document management system of the Commission. This new way of submitting Court procedural documents to the Court will take place in all legal teams of the Legal Service and will free the agents and their assistants from repetitive tasks that occur throughout the 1000+ yearly cases at the European Court of Justice.

In application of the ColdFusion Transformation Program, the RECO system for the follow-up of recovery orders will be rewritten to run on the new platform available at the Data Centre. This complete renewal will ensure the stability and the capacity to maintain this information system which is essential in the follow-up of recoveries (flow of 26 M€ in 2019).

Annex 1:  
Performance Table details

<b>Performance Table 1: Consultation registered in ARES per thematic teams and year</b>						
<b>Team</b>	<b>2018</b>	<b>Reply rate 2018</b>	<b>2019</b>	<b>Reply rate 2019</b>	<b>2020</b>	<b>Reply rate 2020</b>
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			
EEl	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			
<b>Total documents registered in ARES</b>	<b>14 655</b>		<b>13.503</b>		<b>Approx. 14.000</b>	