



Strategic Plan 2016-2020*

Legal Service

*The current Commission's term of office runs until 31 October 2019. New political orientations provided by the incoming Commission for the subsequent period will be appropriately reflected in the strategic planning process.



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PART 1. Strategic vision for 2016-2020

A. Mission statement

The mission of the Legal Service is to ensure that the Commission fully discharges its missions in accordance with Article 17 TEU and in compliance with the Treaties and the law of the European Union. For this purpose, the Legal Service will give legal advice to the Commission and its services; will defend the interests of the Commission before the Court of Justice of the European Union, national and international tribunals and other dispute settlement bodies; and will strive to assure the highest quality, coherence and development of Union legislation.

B. Operating context

The Legal Service operates under Article 17 of the TEU and makes its expertise available to ensure the quality and conformity of acts of the institution with the principles and rules of the Treaties and to defend the interests of the institution before the European, international and national Courts. These services are essential for assisting the College and the DGs and services of the Commission to be able to meet the Commission general objectives and in carrying out the Commission work program.

The Legal Service has the exclusive responsibility to represent the Commission in court cases, and the service also provides important support by giving legal advice to the DGs and Services at all stages in the Commission legislative process.

C. Strategy

Indirectly, the Legal Service contributes to all of the general objectives and consequently, also with the priorities of the Commission. However, the Legal Service acting as an internal service provider and being a horizontal service, does not manage and has no direct responsibility for the programs and policies put in place for the general objectives. Instead, there is a horizontal objective to which the Legal Service addresses its strategic plan, namely: To help achieve the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talent.

The organisation of the Legal Service has been designed to enable 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.

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

Furthermore, the Legal Service will convey its legal advice to the Commission services and cabinets as early as possible, in particular concerning the most important and sensitive files, so that the legal dimension can be taken into account in the choice between the various options or suggested solutions at the earliest possible stage. Experience shows that 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 at political and at technical level.

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

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

Horizontal objective 11: To help the overall political objectives, the Commission will effectively and efficiently manage and safeguard assets and resources, and attract and develop the best talents.

Impact indicator: Trust in the European Commission

Source of the data: [Eurobarometer](#)

| Baseline (spring 2015) 40% tend to trust | Interim Milestone ¹ | | Target 2020. Indicator mandatory for horizontal services. |
|--|--------------------------------|-------|--|
| | 2016 | 2020 | |
| > 40% | > 40% | > 40% | Increase trust |

Impact indicator: Staff engagement index in the Commission

Source of the data: [European Commission Staff Survey 2014](#)

| Baseline (2014) 65.3% | Interim Milestone ² | | Target 2020. Indicator mandatory for horizontal services. |
|--------------------------|--------------------------------|----------|--|
| | 2016 | 2020 | |
| > 65.3 % | > 65.3 % | > 65.3 % | Raise |

¹ In case of short- or medium-term objectives (all targets are set to be achieved in less than 3 years) the milestones column should be deleted from the table.

² In case of short- or medium-term objectives (all targets are set to be achieved in less than 3 years) the milestones column should be deleted from the table.

D. Key performance indicators (KPIs)

The operations of the Legal Service are of such a nature that changes in political priorities do not have an impact on the day to day operations of the service. The Legal Service is expected to deliver timely and qualitative legal advice and legal representation. For the 2016-2020 period, the following four key performance indicators have been identify to best demonstrate that the Legal Service is able to meet expectation on timely and qualitative legal advice and legal representation.

| | |
|---|---|
| Operational objective: Provide quality and timely advice to ensure that the highest standards of quality are met in legal drafts proposed by the Commission DGs and Services. | |
| Indicator 1: 100% of selected legal texts (from inter service consultations or informal consultations) to undergo legal revision to ensure quality of the legal texts to be proposed for adoption. | |
| Source of data: JURREV database | |
| Baseline (2014) 100% | Target 100 % |
| Indicator 2: 70 legal texts to be reviewed in all official languages to ensure coherence in translation | |
| Source of data: LS internal statistics | |
| Baseline (2014) 69 | Target At least 70 per year, equally spread over the year. |
| Indicator 3: 340 legal texts to be corrected in one or more languages after being adopted. | |
| Source of data: JURREV database | |
| Baseline (2014) 339 per year | Target 340 per year |
| Indicator 4: 100% delivery of codification and recast of legal texts as of the Commission Agenda planning | |
| Baseline (2014) 100% | Target 100% |

| | |
|---|------------------------|
| Operational objective: Provide quality and timely advice to the Commission DGs and Services. | |
| Indicator 1: 100% attendance to Heads of Cabinets' meeting and Commission meetings. | |
| Source of data: Presence in the meetings by the DG or his replacement | |
| Baseline (2014) 100% | Target 100% |
| Indicator 2: 92% of replies to legal consultations within set deadline | |
| Source of data: ARES statistics | |
| Baseline (2014) 92% | Target At least 92% |

Operational objective: Provide quality and timely representation in order to defend the interest of the Commission DGs in front of courts and tribunals.

Indicator 1: 100% attendance by appointed staff in court hearings.

Source of data: Exception reporting

| | |
|-----------------|--------|
| Baseline (2014) | Target |
| 100% | 100% |

Indicator 2: 100% of court documents to be sent within deadline.

Source of data: Exception reporting

| | |
|-----------------|--------|
| Baseline (2014) | Target |
| 100% | 100% |

Operational objective: Ensure full benefits of rules to the citizens of the European Union by ensuring that Member States have fully transposed Union Legislation and apply Union Law correctly.

Indicator 1: 90% of new infringements to be treated within 10 working days

Source of data: NIF database

| | |
|-----------------|--------|
| Baseline (2014) | Target |
| 90% | 90% |

PART 2. Organisational management

A. Human Resource Management

The services provided by the Legal Service require a high level of staff competence, staff flexibility and staff motivation. To be able to provide legal advice, legal opinions and legal representation within the time frames set, the Legal Service has set up an organisational structure allowing for fast information flow throughout the organisation which enables timely management decisions. Staff of the Legal Service are given a high level of autonomy and responsibility. Quality is ensured by several different control measures undertaken at various levels in the organisation.

There is already a 50% gender balance among middle management in the Legal Service and the objective is to maintain it at this level.

In the 2013 and 2014 staff surveys, respectively 46% and 40% of Legal Service staff felt that the Commission cared about their well-being and scored respectively 79% and 72% on Staff engagement index. Management of the Legal Service strives to maintain this level with a hope for further improvements in the figures.

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

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

Indicator 1: Percentage of female representation in middle management

Source of data: DG HR.

| | |
|---|---|
| Baseline (please indicate the year) 2015 | Target To maintain the level of 50% female representation in middle management until 2019. Currently, in the Legal Service, there are two middle management posts, one of which is held by a female. |
|---|---|

Indicator 2: Percentage of staff who feel that the Commission cares about their well-being³

Source of data: [European Commission Staff Survey 2014](#)

| | |
|-------------------------|---|
| Baseline (2014) 39.8 | Target To increase the LS staff engagement index by the end of 2020. |
|-------------------------|---|

Indicator 3: Staff engagement index

Source of data: [European Commission Staff Survey 2014](#)

| | |
|-------------------------|---|
| Baseline (2014) 72 % | Target To increase the LS staff engagement index by the end of 2020. |
|-------------------------|---|

³ This indicator may be replaced by a fit@work index on which DG HR is currently working.

B. Financial Management: Internal control and Risk management

Overarching objective: The Authorising Officer by Delegation should have reasonable assurance that resources have been used in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions including prevention, detection, correction and follow-up of fraud and irregularities.

The Legal Service does not have program or policy expenditure. Its major expenditure is for legal advice, legal expertise and costs for lost court cases. The total expenditure for contracting external law firms and legal expertise amounts to approximately 4 million €.

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

Indicator 1: Estimated residual error rate⁴

Administrative expenditure of the Commission's policy coordination and legal advice policy area.

Source of data: ABAC

| | |
|-----------------|-------------------------------------|
| Baseline (2014) | Target |
| < 1.0% | Error rate in payments to be <1.0%. |

Indicator 2: Estimated overall amount at risk for the year for the entire budget under the Legal Service responsibility.

Source of data: Budget 2015

| | |
|------------------------------|--------|
| Baseline (average 2011-2014) | Target |
| 20 000 € | none |

Indicator 3: Estimated future corrections

Source of data: Recovery Order historic

| | |
|--|--------|
| Baseline (average of issued Recovery Orders for the years 2011-2014) | Target |
| < 10.000€ | none |

The Legal Service with its flat organisational structure has chosen a centralised financial circuit. The number of staff involved in the financial circuit is limited and all commitments and payments follow the same procedures. The circuit complies with the baseline requirements of the Financial Regulation. It has been estimated that 10% of the human resources in the Financial Cellule are attributed to controls in the Procurement procedure and the financial circuit in addition to base line controls as required by the Financial Regulation such as the four-eye principle.

The Internal Control Coordinator undertakes a review of reported exceptions to ICS 8 and performs an ex-post analysis of the expenditure accounts once the accounts are closed and submitted for reporting for the AAR as well as supervisory measures, if deemed justified. It has been estimated to be equivalent to 10% of a full time post.

In total, the costs for controls represent 30% of a full time post, e.g. approximately 40.000€, or <1% of total expenditure.

⁴ For the definition, see the first annex to the AAR instructions 2014 "Key definitions for determining amounts at risk" at <https://myintracomm.ec.europa.eu/budgweb/EN/rep/aar/Documents/aar-standing-instructions.pdf>.

| | |
|---|--------|
| Objective 2 : Effective and reliable internal control system in line with <u>sound financial management</u>. | |
| Indicator 1: conclusion reached on cost effectiveness of controls | |
| Source of data: Comparison of costs and benefits | |
| Baseline (2014) | Target |
| Yes | Yes |

| | | |
|---|----------------------|---|
| Objective 3: Minimisation of the risk of fraud through application of effective anti-fraud measures, integrated in all activities of the DG, based on the DG's anti-fraud strategy (AFS) aimed at the prevention, detection and reparation of fraud. | | |
| Indicator 1: Updated anti-fraud strategy of the Legal Service, elaborated on the basis of the methodology provided by OLAF⁵ | | |
| Source of data: Legal Service Anti-Fraud Strategy | | |
| Baseline | Interim Milestone | Target |
| 2014 | Update by 31/12/2016 | Update every 3 number of years, as set out in the AFS |

C. Better Regulation (only for DGs managing regulatory acquis)

The Legal Service contributes significantly to the initiative of Better regulation through the work performed in the Quality of Legislation team. The staff in the Quality of Legislation team possess profound legal knowledge and language skills. Its advice in the legislative drafting procedure render valuable and appreciated added value to the owner DG of the legislative draft as well as to DG Translation and ultimately to all citizens of the European Union.

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

D. Information management aspects

Regarding indicator 2: In general, information dealt with by Legal Service staff is internally accessible to all staff. However, three Directorates in the Legal Service treat particularly sensitive information and this information is restricted only to staff within each team. The management of the Legal Service has decided to restrict access to information for a fourth Directorate in 2016 and therefore access to HAN files by all units will decrease in 2020.

⁵The methodology can be found on the FPDNet website: <https://myintracomm.ec.europa.eu/serv/en/fraud-prevention/ToolBox/Documents/Methodology%20and%20guidance%20for%20DGs%20anti-fraud%20strategies.pdf>. In particular paragraph 3 of the methodology is relevant.

Objective : Information and knowledge in your DG is shared and reusable by other DGs. Important documents are registered, filed and retrievable

Indicator 1: Percentage of registered documents that are not filed⁶ (ratio)

Source of data: *Hermes-Ares-Nomcom (HAN)⁷ statistics*

| Baseline 2015 | Target |
|---------------|--------|
| 0.05% | 0% |

Indicator 2: Number of HAN files readable/accessible by all units in the DG

Source of data: *HAN statistics*

| Baseline 2015 | Target |
|---------------|--------|
| 64% | 55% |

Indicator 3: Number of HAN files shared with other DGs

Source of data: *HAN statistics*

| Baseline 2015 | Target |
|---------------|--------|
| 0.01% | >0.1% |

E. External communication activities

Objective: Citizens perceive that the EU is working to improve their lives and engage with the EU. They feel that their concerns are taken into consideration in European decision making and they know about their rights in the EU.

Indicator 1: Percentage of EU citizens having a positive image of the EU

The Legal Service, in its activity as the guardian of the Treaties, provides timely and high quality legal advice in defence of the interests of the Commission before courts and tribunals, and contributes to ensuring that legal acts proposed for adoption are of the highest quality and will serve all EU citizens and therefore contribute to the positive image of the EU.

Source of data: Standard Eurobarometer (DG COMM budget) [*monitored by DG COMM [here](#)*].

| Baseline: November 2014 | Target: 2020 |
|---|--------------------------------|
| Total "Positive": 39.8% Neutral: 37 % Total "Negative": 22% | Positive image of the EU ≥ 50% |

⁶ Each registered document must be filed in at least one official file of the *Chef de file*, as required by the [e-Domec policy rules](#) (and by ICS 11 requirements). The indicator is to be measured via reporting tools available in Ares.

⁷ Suite of tools designed to implement the [e-Domec policy rules](#).