

Management Plan 2021

Legal Service

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INTRODUCTION

The mission of the Legal Service is to provide advice and legal representation to the Commission DGs and Services in accordance with Article 17 TUE and in compliance with the Treaties.

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 Commission¹, 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, Tribunals and other dispute settlement bodies.

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.



¹ Decision P(2019) 1 of 1.12.2019.

The purpose of the management plan of the Legal Service is to present how it will plan and execute its activities in 2021 to deliver 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.

The Legal Service is a service placed under the direct responsibility of the President.² As a central service, the Legal Service provides objective legal advice that is clearly distinguished from policy considerations. The Legal Service ensures the consistency of the interpretation of the law and of the drafting of legal texts and thereby contributes to the consistency of the Commission's action across all policy areas.

By the nature of its activities, through both its advisory role and its litigation role, the Legal Service contributes to all six priorities of the von der Leyen Commission. Consequently, the Legal Service contributes to **General objective n° 7, A modern, high-performing and sustainable European Commission.**

The Legal Service is the lead service, within the Commission, for relations with all judicial bodies. It is also responsible for the negotiations concerning the accession of the European Union to the European Convention for Human Rights. By doing so, the Legal Service contributes to **General objective n° 6, A new push for Democracy.**

Main priorities and challenges in 2021

The Covid-19 pandemic which has impacted the world in the beginning of 2020, and to which society has had to adapt, will continue to have an effect on the environment in which the Legal Service will operate in 2021. There will be specific legal issues to be dealt with as a direct consequence of the situation, including negotiations on the provision of a European wide vaccine, the Recovery Plan, work-life balance and the well-being of staff.

The majority of the work on legal advice and a significant part of legal representation does not require staff to be present in the office. However, the physical presence at hearings required by the Courts presents a particular challenge for the Legal Service staff.

Management will continue to monitor and interpret instructions from national authorities as well as from DG HR. Teleworking, shift organisation of staff working in the office, on-line meetings to the extent possible etc. are expected to continue to be the preferred working alternatives during a significant part of 2021. The return to work in the office will follow Commission instructions and will be monitored by Legal Service Senior Management.

² Decision P(2019) 1 of 1.12.2019.

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

The Legal Service has two recurring activities, namely:

- to provide legal advice in all areas of EU and international law. In accordance with the Rules of Procedure of the Commission, the Legal Service is to be consulted on all drafts and proposals for legal instruments and all documents which may have legal implications.
- to defend the interests of the European Union and the Commission before courts and tribunals. It represents the European Commission in litigation 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 World Trade Organisation (WTO) and in arbitration bodies.

These two activities contribute to all of the six priorities of the European Commission led by President von der Leyen. Within the Legal Service, the following teams deal with the six priorities:

A EUROPEAN GREEN DEAL: the MIME team (Internal market, energy, Euroatom, environment), the AGRI team (Agriculture & Fisheries), the SOC team (Social & employment, consumer protection), the Trade team (Trade & WTO) and the EEI team (Eurozone) will work, in particular, on these issues.

AN ECONOMY THAT WORKS FOR ALL PEOPLE: the EEI, the SOC, the MIME, the Trade, the Affair (Business law, intellectual property, information society), the COMP (Competition), the AIDE (State aid) and the BUDG teams (Budget, customs & taxation) will have particular input to make.

The Affair team and the MIME team will mainly be involved and contribute to **A EUROPE FIT FOR THE DIGITAL AGE**.

PROMOTING OUR EUROPEAN WAY OF LIFE, the JLS (Justice, freedom & security), SOC and INST (Institution) teams will be involved.

The TRADE and the CSFP (External relations) 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 **A STRONGER EUROPE IN THE WORLD**.

NEW PUSH FOR EUROPEAN DEMOCRACY: the JLS and INST teams will be closely involved. The negotiations on the accession to the European Convention on Human Rights (ECHR) come under the responsibility of the INST team in association with the CSFP team.

The LEG team (Quality of Legislation) contributes to all six priorities.

To meet the requests for legal advice and legal representation, the Legal Service has highly skilled, competent and committed staff and an organisational structure in which the work and staff are organised by area of Union legislation, with the Quality of Legislation which is specialised in the drafting aspects of legal acts.

This organisational design enables the Legal Service to respond to different kinds of incoming legal questions; to give advice on content, identify potential issues of coherence as well as providing drafting and structural 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 in other negotiations.

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



1. Legal advice

In its advisory role, the Legal Service assists the Commission, its DGs and Services in all areas of the Commission's activities:

- preparing legal documents / legislation (content and drafting);
- international negotiations;
- role as the guardian of the Treaties;
- powers to adopt Implementing and Delegated acts.

These tasks mean that the Legal Service has extensive horizontal duties as provider of legal advice to the Commission. These tasks contribute to **General objective n° 7: A modern, high-performing and sustainable European Commission**. To enable the Legal Service to perform its mission effectively, it must be consulted in advance on all documents to be put before the Commission. Its advice can lead to a reduction in the number of court cases brought against the Commission; hence, it contributes to efficiency gains throughout the Commission.

The work in the Legal Service is reactive and recurrent. Deadlines for most requests for legal advice are between 48 hours and 10 working days. The current trend shows an increase of consultations with very short deadlines.

Yearly, there are around 9.000 acts of a legal nature 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 legislative drafting process.

It replies to approximately 6.000 parliamentary questions and to almost 100 annual requests from the Ombudsman.

Every year, the Legal Service also issues legal opinions on some 14.000 consultations and other requests.



The number of consultations has remained stable over the years, however the areas from 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 thematic teams each responsible for a specific 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 team. 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, the Director General, inter alia through the Legal Assistants, ensures the necessary legal coordination so that the horizontal aspects of consultations will be considered and coherence in legal advice given by the Legal Service is maintained.

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

The Quality of Legislation team will 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 team of its observations and suggestions. These are incorporated into the formal Legal Service replies to consultations.

Replying to legal consultations will, by its nature, contribute to Specific objective n° 1 (Legal proposals for adoption by the Council and the Parliament are transparent and of high quality to ensure full benefit of rules for the European citizens) in the Strategic Plan for 2020-2024.

General objective 7: A modern high-performing and sustainable European Commission		
Specific objective 1: <i>Legal proposals for adoption by the Council and the Parliament are transparent and high quality to ensure full benefit of rules to EU citizens</i>		<i>Related to spending programme: Administrative</i>
Main outputs in 2021:		
Output	Indicator	Target
Legal advice to the Commission	Attendance by DG 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 consultations on replies to Parliamentary 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 consultations on replies to questions from the Ombudsman within deadline	% of replies within deadlines	95 %
Reply to Access to documents requests within initial request deadline	% of replies within deadlines	100 %

Performance table for legal advice

Consultations registered in ARES are expected to continue to vary around 14-15.000 per year and Parliamentary questions are expected to remain around 6.000. The number of legislative acts registered in Decide is expected to remain around 9.000. The variation between the teams depends on many factors over which the Legal Service seldom has any influence. The flat organisational structure allows the Service to deal with sudden increases in requests for advice in specific areas.

Below, the number of the different kind of requests for legal advice is presented. The reply rates for different categories of requests are also presented.

Performance table 1 on Legal Advice: Consultation per category and year								
Team	2018	Reply rate 2018	2019	Reply rate 2019	2020 (per Dec 14)	Reply rate 2021	2021 target	Reply rate 2021
Total documents registered in ARES ³	14 655		13.503		13.895		~14.000	
Registered in Decide	8.936	89%	8.002	87%	8432	88%		88%
Fast track (reply within 48 h)	207	100%	152	100%	141	100%		100%
Parliamentary questions	6.264	99%	4.400	99%	6.526	99%		99%
Petitions	812	95%	729	95%	751	95%		95%
Requests from the Ombudsman	73	55%	65	70%		70%		70%
Access to Documents	225	100%	275	100%		100%		100%
Average reply rate		93%		91%		>92%		>92%

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

2. Legal Representation

Defending the interests of the European Commission before courts and tribunals is the other main task of the Legal Service. The Legal Service has the exclusive task of representing the interests of the European Commission before:

- the Court of Justice and the General Court of the European Union;
- national courts, both in the Member States and in third countries, in cases where the Union or the Commission are parties. A significant proportion of the cases in national courts concerns forced recovery of debts (70 % 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 (i.e. responsible lawyer) 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:

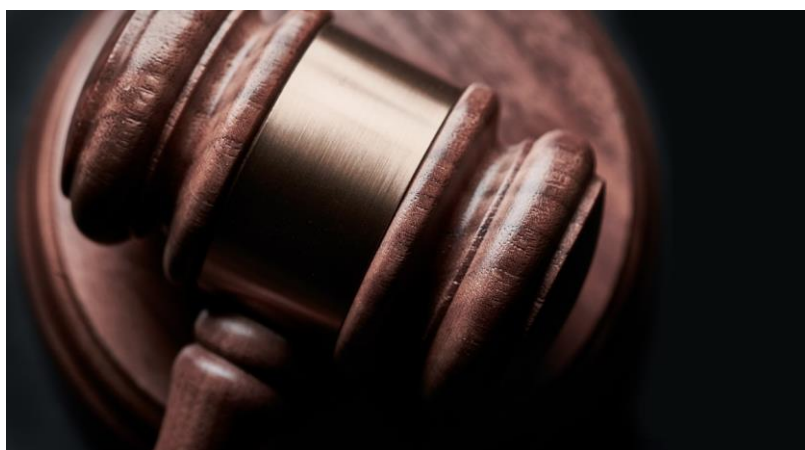
- act as plaintiff, for instance in the case of an infringement of EU law by a Member State;
- act as defendant, as in the case of an action for annulment of one of its decisions;
- act as plaintiff against or intervene in actions brought against another Institution;
- the Commission also systematically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

The average duration of a court case is approximately 2 years. However, there is also an increasing number of urgent cases dealt with in tight deadlines, e.g. urgent preliminary ruling proceedings in the area of Justice and Home affairs.

In the particular context of the corona virus pandemic, the Legal Service will continue to offer the same level of reactivity and quality legal representation. In hearings before the European Court of Justice and other courts and tribunals, the Legal Service will ensure that the Commission is represented at all times as long as physical hearings are organised by the Courts. Where the Court provides the possibility to hold virtual hearing, the Legal Service will ensure that the technical facilities are made available to its lawyers allowing them to represent the Commission in videoconference or other virtual means.

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 allocated to the competent team. The Director in the team will allocate it to a subject lawyer, who will be the main agent 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 Senior 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.



The number of 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 teams allows 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 (and in the case of last-instance courts, must) ask the Court of Justice whether a Union instrument is valid and/or how an instrument or a Treaty provision is to be interpreted 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.

Defending the interests of the European Commission contributes to Specific objective n° 2 (Guarding the Treaties and defending the interests of the European Commission in courts, tribunals and other arbitration bodies to ensure full benefit of law for all EU citizens) in the Strategic Plan for 2020-2024.

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

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

Related to spending programme: Administrative

Main outputs in 2021:

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 2: Number of cases managed by the Legal Service per year and per jurisdiction					
Jurisdiction	Cases ⁴	2018	2019	2020 (predicted)	2021
Courts of the Union	On-going cases	1 676	1 923	1 800	1 800
	New Cases	1 140	1 465	1 300	1 300
	Closed Cases	1223	1 218	1 200	1 200
whereof: Infringement cases	On-going cases	22	56	45	50
	New Cases	64	34	15	30
whereof: Preliminary Rulings	Notified cases	531	655	600	600
National Courts	On-going cases	775	631	675	700
	New Cases	140 ⁵	154 ⁶	120	140
WTO	On-going cases	81	91	90	90
	New Cases	45	32	30	30
Arbitration cases	On-going cases	22	56	60	60
	New Cases	64	8	10	10

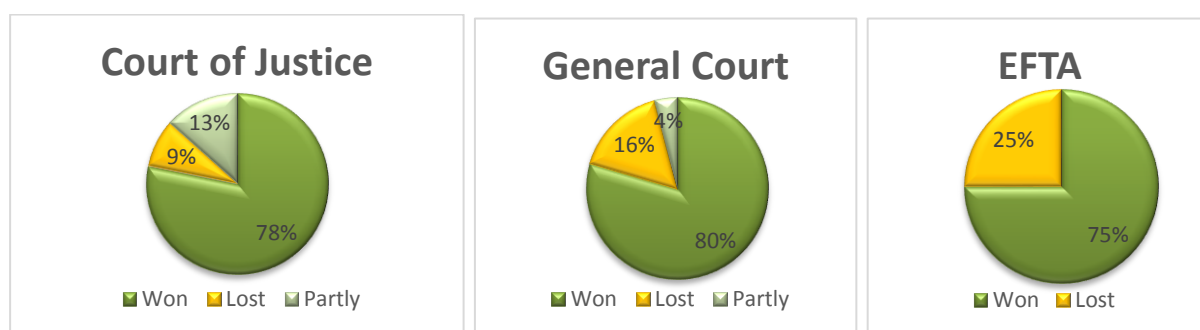
⁴ Figures for On-going cases are indicative.

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

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

On average, the Legal Service has approximately 2.500 ongoing cases in the Courts of the Union, national courts and the WTO. There is a yearly addition of new cases of approximately 1.300 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 in 2021 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 won almost 80% of cases, and was partly successful in additional cases. The Legal Service lost only one case in the EFTA court, 9% of cases before the Court of Justice cases and 16% of cases before the General court as presented in the pie charts below.



Approximately 2/3 of national litigation concerns the recovery of debts in which the Legal Service appoints and instructs external lawyers to represent the Commission.

The Legal Service assists the European Commission in all bilateral and multilateral trade negotiations, including at the World Trade Organisation (WTO). The Legal Service has the exclusive task of representing the European Union, on behalf of the European Commission, in State-to-State dispute settlement procedures under the WTO Agreement and other international trade agreements, as well as in investor-to-State arbitrations.

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. It is expected to stay at the same level in 2021.

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 arbitration cases is expected to increase slightly in 2021.

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. No major change is expected for 2021.

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. It is expected to decrease slightly in 2021.

3. 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 contributes to **General objective n° 7: A modern, high-performing and sustainable European Commission.**

The contribution of the Quality of Legislation team in the legislative process has a positive impact on the work to be undertaken at the next stage and increases the efficiency by 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 official languages of the Union and therefore legal clarity and certainty.




The services provided by the Quality of Legislation team 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. Based on that revision, it will also select certain texts for multilingual coherence reviews. As the lead service, it will also work together with the

Commission DGs and Services in codification i.e. formal readoption of an act with all its applicable amendments incorporated.

For many years, the Quality of Legislation team has also provided 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 digital techniques and tools for the elaboration of legislation.

The work performed by the Quality of Legislation team contributes to Specific objective number 1 (Legal proposals for adoption by the Council and the Parliament are transparent and of high quality to ensure full benefit of rules to EU citizens) in the Strategic Plan for 2020-2024.

General objective 7: A modern high-performing and sustainable European Commission		
Specific objective 1: <i>Legal proposals for adoption by the Council and the Parliament are transparent and high quality to ensure full benefit of rules to EU citizens</i>		<i>Related to spending programme: Administrative</i>
Main outputs in 2021:		
Output	Indicator	Target
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 digital tools for legislative drafting	Continuous development	

Performance table for legal revision

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. The number of reviewed pages is expected to remain at the same level in 2021 as compared to 2020 and 2019. The team also gives advice to the DGs on whether a recast of an act is more suitable than an amendment.

The table on the next page presents the work of the Quality of Legislation team performed in previous years and their targets for 2021.

Performance table 3: Revision of draft legal acts and other work by the Quality of Legislation team					
	2018 (actual)	2019 (target)	2019 (actual)	2020 (predicted)	2021 (target)
Number of draft legal acts selected to undergo legal revision	1675		1914	> 1.800	> 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	150	80	150	80	80
Number of corrigenda to legal acts	303	340	394	340	340
Number of legal acts to be codified according to the Commission Agenda Planning	4	4	3	6	4
Percentage of legal acts codification	100%	100%	100%	100%	100%
Number of reviewed pages	61.000		38.000	35.000-38.000	38.000

4. Negotiations on accession to the European Convention on Human Rights

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

Accession by the European Union to the ECHR is expected to strengthen the pan-European system of fundamental rights protection. 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 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 (i.e. Russia, Turkey, Switzerland, United Kingdom 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 Council issued its negotiating directives in October 2019. A resumption of negotiations was envisaged for spring 2020, but due to the Covid-19 outbreak, it was postponed. As a result, negotiations resumed in September 2020 instead.



The work undertaken by the INST team on the negotiations on the accession of the European Union to the European Convention of Human Rights contributes to Specific objective number 3 (N) in the Strategic Plan for 2020-2024.

General objective 6: A new push for European democracy

Specific objective 3: Negotiations on the accession for the European Union to the European Convention on Human Rights (ECHR)

Related to spending programme: Administrative

Main outputs in 2021: Progress in the negotiations on the accession to the European Convention on Human Rights (ECHR)

Output	Indicator	Target
Regular communication on the progress in the negotiations to accede to the ECHR	Number of reports	>2 reports per year

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

The Covid-19 pandemic is expected to continue to significantly impact on staff and work organisation in 2021, therefore health and wellbeing will continue to be the main priorities for the coming year. The Legal Service will continue to actively support staff and managers through the crisis and its aftermath, through guidance on learning and professional development, internal communication actions, virtual participatory events and flexible solutions to ad hoc needs. The organisation of the return to the office will follow the guidelines issued by DG HR. If necessary, adaptations to better fit the Legal Service organisation will be made, while respecting the general guidelines and rules.

The internal control framework⁷ 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 tailored to its particular characteristics and circumstances. The effective functioning of the service's internal control system is assessed on an ongoing basis throughout the year and is subject to a specific annual assessment covering all internal control principles.

A. Human resource management

In October 2020, DG HR implemented a new approach to increase female representation in Middle and Senior Management by instructing all DGs to designate deputies to the Directors before year-end 2020. Furthermore, by end of 2022, there should be a deputy to all Heads of Unit. The Legal Service has not had any deputies to Heads of Units and will start the procedure for such appointments in 2021 in order to respect the deadline set by DG HR. Alongside this initiative, the Legal Service will continue with its specific training course for potential female managers.

Towards the end of 2020, four Director posts were published in the Legal Service and the selection, assessment and appointment procedures are expected to be finalised in 2021. 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 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 management plan, the Legal Service will develop a

⁷ [Communication C\(2017\)2373 – Revision of the Internal Control Framework](#)

local HR strategy with a medium to long-term outlook (3–5 years) consistent with the overall corporate HR strategy.

The Covid-19 pandemic has forced the Commission and its DGs and Services to adapt to a new situation, which has also led to changes in certain priorities. For some activities, the Legal Service is depending on input from central services, e.g. DG HR has not launched its biannual staff satisfaction survey in 2020. The Legal Service therefore has put some analyses on hold until new information is available.

Maintaining a well-functioning organisation is a top priority for Legal Service management. Continuous analysis of the legal teams' portfolios will be undertaken to ensure that they reflect Commission priorities and the regular reorganisations in other Commission DGs and Services. The current hierarchical structure, has been in place for many years, and has proven to best support the activities of the Legal Service. The fact that it has remained stable over the years has allowed continuity of the activities in a predictable environment for all staff.

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 2021:

Output	Indicator	Target
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
Local HR strategy for the Legal Service based on the new corporate HR strategy	Draft HR strategy prepared	Q 2021
Appointment of deputies to Directors	Percentage of Directorates with an appointed deputy to Director	100%
Appointment of deputy Heads of Unit	Procedure for the appointments prepared by end of 2021	yes

B. Sound financial management

The Legal Service has an annual administrative spending of approximately EUR 4 million. 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 court cases where only a qualified national lawyer can plead, where expert knowledge is required or where 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 EUR 30.000 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 (EUR 0.4 million in 2019).

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

The centralised financial circuit, the low number of erroneous payments (two 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 2021:

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

The Legal Service will contribute to the implementation of the New Commission Anti-Fraud Strategy (CAFS), by providing legal advice on, in particular, action n° 57 linked to the implementation of the CAFS.

As laid out in the new anti-fraud strategy for the Legal Service and the accompanying action plan, which were approved by the Director General in February 2020, the Legal Service will continue in 2021 to raise fraud awareness among its staff and the working group for ethics and handling sensitive information will assess any reported breaches and make 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 staff are aware of the particular ethical aspects for the Legal Service.

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

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)⁸ aimed at the prevention, detection and correction⁹ 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	Yearly publication of the Legal Service Anti-Fraud Strategy	>1 publication
Contribution to Action 57 on the implementation of the CAFS	Legal advice provided	yes

⁸ 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'.

⁹ 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

In line with the Corporate digital policy, which require a clean separation of data, business logic and user experience components, a new version of the information system *ULM* (Unified Litigation Management) for the follow-up of litigation proceedings in front of the European Court of Justice and international jurisdictions has been put into production. Other specialised modules for dispute settlements at the WTO and the follow-up of national litigation are by now almost completed.

In addition, the migrated version of the system for the follow-up of recovery orders sent by DG Budg to the Legal Service (*RECO*) has been initiated.

For all the litigation modules under the *ULM* umbrella, a data consolidation project has been identified and is planned for 2022. It will explore all the potential data synergies between the litigation domains as well as possibilities offered by corporate services such as master data or linked data repositories.

The migration of *SOLON*, the knowledge management toolset at the Legal Service, has started. This will be the occasion for a major functional update and simplification in 2021.

In the context of the ISA² program, the Legal Service is putting at the disposal of Member States and other institutions the *Ref2Link* toolset, which detects and enriches legal references (especially in the context of EU law) in any document; on basis of European standards such as the European Law Identifier. The Legal Service is also adapting the offer of *Ref2Link* so that its components may be put to efficient use by other DGs and services in full integration with DIGIT's Digital Workspace in the Commission. The tool has been significantly enhanced in 2020 with the connection to the Publication Office linked data repository improving both user experience and detection accuracy. This interoperability boost will be pursued in 2021 with new connections to linked open data e.g. for national law and through the opportunities brought by the on boarding in the Digital Europe Program.

The Legal Service is also in discussion with the Publications Office to submit some of the data it generates to the Open Data Portal.

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.

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 2021:

Output	Indicator	Target
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 being evaluated, especially in the context of the generalisation of M365.
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 2021

E. Sound environmental management

The EMAS correspondent in the Legal Service will continue to support and encourage Legal Service staff to participate in centrally organised actions in 2021. The EMAS correspondent will continue to offer to give the presentation on various aspects of waste reduction to Commission DGs, Services and Agencies.



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 2021:

Output	Indicator	Target
Reduce Waste presentations to Commission DGs, Services and Agencies	N° of presentations given	1
Bottle top collection	N° of bottle top collections in BERL (joint action with Sec Gen and the Cabinets)	1
Launch a call for interest to form a LS group on EMAS actions in the Legal Service	Number of meetings held to prepare an action plan for 2021	3

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

In 2020, the Legal Service will start the following initiatives, which will increase the administrative efficiency of legal teams and the continuity of financial-related activities.

The Legal Service will implement a fully integrated electronic signature for the power of attorney signed by the Director General. This will ensure that paper copies are no longer required and that the power of attorney can be signed more quickly.

The two small meeting rooms of the Legal service, known as Pergola 1 and 2 have been transformed into hybrid meeting rooms. In 2021, training will be offered to all staff allowing them to maximise the flexibility offered by these rooms and to avoid unnecessary travel.

ANNEX 1: Performance table - Consultations

Consultations per legal team and year

Performance table 4: Consultation registered in ARES per thematic teams and year				
Team	2018	2019	2020 (per Dec 14)	2021
Affair (AFFAIR)	1 250	999	1035	
Agriculture & Fisheries (AGRI)	1 500	1517	1419	
State Aide (AIDE)	599	629	1195	
Budget, customs & taxation (BUDG)	1 171	913	920	
External Relations (CFSP)	1 444	1302	1418	
Competition (COMP)	1 541	1386	1299	
EEI (Eurozone)	1 036	1094	1072	
European Civil Servant Law (FPE)	948	920	974	
Institution (INST)	678	606	296	
Justice, Freedom & Security (JLS)	511	405	378	
Procurement & Recoveries (MAREC)	311	310	382	
Internal Market (MIME)	2 945	2777	2843	
Social & Employment (SOC)	481	351	417	
Trade & WTO (TRADE)	240	294	247	
Total documents registered in ARES	14 655	13.503	13.895	~14.000