



COMMISSION EUROPEENNE

Legal Service
Management Plan
2012

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PART 1. Mission Statement

The basic mission of the Legal Service is to assist the Commission in its tasks, in particular to ensure that the provisions of the Treaties and other measures taken by the institutions are interpreted and applied in accordance with the law. For this purpose, it will give legal advice, defend the interests of the Commission and of the Union before the courts, the national or international tribunals and other dispute settlement bodies, and strive to assure the highest quality, coherence and development of Union legislation.

PART 2. This year's challenges

L'originalité et en même temps la clé de la réussite de la construction européenne résident dans le rôle central qui est reconnu au respect de la règle de droit. En fait, la légitimité et l'efficacité des politiques de l'Union reposent essentiellement sur les traités et sur les actes que les institutions adoptent pour les mettre en œuvre. Dans l'exercice de ses différentes missions – initiateur des procédures législatives, autorité en charge de la fonction exécutive, gardienne des traités, représentante de l'Union sur la scène internationale – la Commission s'appuie elle aussi sur la règle de droit. Elle tire toute son autorité à l'égard des Etats membres et des citoyens européens du fait que son action est reconnue comme légitime et juste, car elle s'inscrit dans le cadre des principes fondamentaux de l'ordre juridique de l'Union.

L'importance du respect de la règle de droit est encore plus fondamentale en temps de crise. Dans les moments de difficulté, plus grande est en effet la tentation de laisser les règles de côté et de chercher des solutions faciles par des raccourcis pas forcément orthodoxes. Il est alors primordial de savoir résister à cette tentation, tout en mettant en œuvre les actions appropriées qui permettent - en suivant le cas échéant des nouvelles pistes mais en restant fidèles aux principes fondateurs de l'Union - de trouver les solutions juridiques les plus efficaces pour parer aux difficultés politiques et économiques.

En cette année 2012, confrontée à la grave crise économique et financière qui continue de sévir dans la plupart des Etats membres et qui produit un impact négatif sur la confiance des citoyens et des opérateurs économiques, la Commission sera appelée à faire face à des défis majeurs à très courte échéance, sans pour autant perdre de vue ses objectifs de long terme et tout en continuant d'ailleurs à promouvoir la réalisation des valeurs sur lesquelles est fondée l'Union, en premier lieu les Droits fondamentaux. Entre autres, la Commission devra stabiliser la gouvernance économique et la discipline fiscale de la zone euro et élaborer des initiatives pour relancer la croissance et les emplois; elle devra pousser l'adoption du cadre financier pluriannuel 2014-2020 et des programmes spécifiques correspondants pour assurer le bon développement de toutes les politiques de l'Union; elle aura la responsabilité d'œuvrer à la réalisation d'un espace de liberté, sécurité et justice; enfin, elle devra contribuer à l'affirmation du rôle de l'Union sur la scène internationale. En ce faisant, l'action de la Commission devra d'une part continuer à promouvoir l'application complète et effective des règles du traité de Lisbonne; d'autre part elle devra accompagner les efforts visant à compléter ces règles, pour assurer la pleine capacité des Etats membres de réagir efficacement aux dangers de l'actuelle situation économique.

Dans ce contexte, la mission du Service juridique s'avère essentielle pour assister le Collège et les Directions générales de la Commission dans l'accomplissement des actions requises pour

répondre à ces défis. Comme son nom l'indique, le Service juridique entend rester au service de la Commission et mettre à disposition son expertise pour assurer la qualité et la conformité des actes de l'institution avec les principes et les règles des traités ; pour lui permettre d'interagir efficacement avec les autres institutions de l'Union, ainsi qu'avec les autorités des Etats membres et des pays tiers ; pour défendre les intérêts de l'institution devant les juridictions européennes, internationales et nationales.

De par la nature même de cette mission, les objectifs du Service juridique ont vocation à rester stables dans le temps, tout comme la nature des activités accomplies dans la poursuite de ces objectifs. En revanche, le volume de ses activités continuera probablement à croître, en reflétant la tendance expansionniste des initiatives de la Commission, tant sur le plan interne que sur la scène internationale.

Les mots-clé qui inspireront l'action du Service juridique sont rigueur et qualité, coopération et écoute, rapidité et efficacité.

Ainsi, le Service juridique continuera à poursuivre le but d'un très haut niveau de qualité de ses avis et apportera sa contribution, lorsque les circonstances l'exigent même dans des délais très serrés. Les dossiers seront traités avec la précision juridique nécessaire et dans le respect des procédures, en recherchant et proposant des solutions conformes au droit, mais éventuellement novatrices, pour répondre à l'intérêt de l'institution et aux exigences des situations concrètes. Travail en équipe et cohérence des positions demeureront un objectif de base face à des dossiers qui souvent concernent plusieurs domaines du droit.

Je considère primordial de maintenir l'objectif de coopérer au maximum en amont avec les Directions générales, le Secrétariat général et les cabinets, notamment le cabinet du Président, pour assurer la prise en compte des exigences du droit dans le choix entre les différentes options ou formules de solutions au stade le plus précoce, compte tenu des dimensions politiques et économiques des questions en cause. L'expérience démontre que, plus cette coopération intervient en amont de la préparation des dossiers, plus elle se révèle fructueuse: c'est pourquoi je veillerai à ce que le Service juridique soit associé dès le début des réflexions au niveau politique et technique, notamment dans les dossiers les plus importants et sensibles.

En outre, dans le droit fil de l'objectif prioritaire "mieux légiférer", le Service juridique continuera à fournir son assistance aux Directions générales en matière de technique législative, pour assurer la plus grande qualité des textes juridiques établis par la Commission aussi sous l'angle rédactionnel. A cet effet, il importe que les propositions élaborées par les Directions générales soient fournies au Service juridique à temps pour permettre la finalisation des textes sur un plan juridique et leur mise au point législative.

La représentation de la Commission dans le contentieux juridictionnel constitue la tâche propre du Service juridique et tous ses juristes y contribuent de manière substantielle. Cette tâche exige un grand investissement et un haut professionnalisme, car elle met en jeu non seulement des questions juridiques et souvent des intérêts économiques très importants, mais plus fondamentalement la réputation même de la Commission en tant qu'institution chargée de l'intérêt général européen. Le Service juridique continuera à consentir, tous les efforts nécessaires pour assurer le plus haut niveau dans la défense en justice des intérêts de la Commission dans l'esprit d'une responsabilité collective pour cette tâche fondamentale.

Le Service juridique continuera de jouer un rôle central dans l'exercice par la Commission de son rôle de gardienne du droit de l'Union, notamment en termes de rigueur juridique, cohérence et respect des délais.

La gestion du Service juridique continuera d'être conduite en assurant l'égalité entre hommes et femmes dans le Service, au niveau du recrutement et des promotions et dans les relations professionnelles. Le personnel sera encouragé à profiter des instruments concrets mis en œuvre pour faciliter cette égalité ainsi que la conciliation de la vie privée et de la vie professionnelle, tels que le flexitime, le teleworking ou des aménagements ponctuels. Par ailleurs, une attention particulière sera réservée à la formation du personnel, y compris les AST, et à favoriser l'accès direct et immédiat à la documentation indispensable pour assurer la plus haute qualité des avis et mémoires.

PART 3. General objectives by policy area

The Legal Service aims at meeting Commission needs for legal representation and consultations on legal issues in a cost-efficient way by offering high-quality, coherent and timely services in its field of knowledge.

The activities of the Legal Service take place before or after the activities of the Commission either through consultations or infringement procedures or court cases. The Legal Service is a service at the service of the other DG's. It operates 'on request' and it is not in a position to master its workload as its workload is not determined by the service but by the DG's, the Commission or outside bodies (Council, Parliament, citizens and commercial enterprises).

The Legal Service being a horizontal and support Service, it has neither operational activities nor global objectives linked to them.

However in performing its mission, the following main objectives have been identified:

- To provide, within the set deadlines, legal opinions on all formal and informal consultations received.
- To provide support to the DG's in the early preparation of legal texts.
- To ensure compliance with the rules covering clarity and quality of legal drafting.
- To prepare legal submissions and pleadings for the Commission, respecting the delays, the procedures and ensuring legal coherence.

PART 4. Specific objectives for operational activities

The Legal Service being a horizontal and support Service, it has neither operational activities nor global objectives linked to them.

However in performing its mission, the following objectives have been identified.

4.1. Activity 25.01.07: "Quality of Legislation"

This activity includes:

- Legal revision
- Codification
- Other aspects of legislative simplification
- Preparation for forthcoming enlargement

4.1.1. Legal Revision (SJ.DDG.K.1)

Legal revision of draft legislative texts and proposals now takes place in 23 languages, while advice on drafting of legislation is given in the working languages of the Institution. Additional staff members have and will be recruited in anticipation of future accessions to the Union in particular, the accession of Croatia, so that the finalisation of the Union *acquis* can be guaranteed and the legislative activity of the institution can continue in the new languages as from the date of enlargement.

The LEG Directorate will continue to ensure that the highest standards of quality are met in the drafting of legal texts. In this regard, it is encouraged in particular by the attitude of the European Parliament, which in successive Resolutions on the Commission's annual Legislative and Work Programme has stated its unequivocal support for the Commission in its continuing efforts to improve the quality of EU legislation.

Amongst the most important elements of these efforts for the Legal Service are the need to ensure the correct application of the rules on legislative drafting and the coherent use of legal terminology in all the official languages, making for greater clarity and ease of understanding.

A continuing challenge for the Quality of legislation team in 2012 will be the need to adjust all acts and proposals of the Commission to the Treaty on European Union and the Treaty on the functioning of the European Union. In particular, much work is still needed for their adaptation to articles 290 and 291 of the TFUE, following the adoption of the common understanding on delegated acts and the entry into force of Regulation (EU) No 182/2011 on the exercise of implementing powers. The post-Lisbon models of acts are still under discussion, and a new revision of all models in all official languages is due to take place in the first semester of 2012. In parallel, works on the updating of the Joint Practical Guide for legal drafting have begun between the institutions and will continue in 2012. This evolving situation has had an impact on the development of the new tool known as the Drafter's Assistance Package (DAP), designed by the team in conjunction with SG and DIGIT, which will give on-line information and help with the formulation of acts drafted using LegisWrite format. The work on DAP will continue in 2012. The team will also continue to be actively involved in updating the JurRev tool.

25 01 07 ACTIVITY: "QUALITY OF LEGISLATION"	
OBJECTIVE: Legal revision	
- Provide the Commission with timely and high-quality advice by intervening at an early stage in the drafting of legal texts in the DG's and Services.	
- Improve the quality of legislation through the revision of draft texts.	
<i>Result Indicators</i>	<i>Situation at year end</i>
Revision of draft legislative texts intended for publication in the OJ	90%
Number of texts revised in all languages per month	+/- 8
Individual Commission decisions revised in one or more languages per month	+/- 5
<i>Impact Indicators</i>	<i>Situation at year end</i>
The proportion of DIR K. responses to ISC's devoted to matters of legislative drafting: full compliance	Yes
Maximise the number of occasions on which DG's followed the drafting advice of the Legal Service	Done
Minimise the number of cases brought before the Court relating to the inaccessibility of the <i>acquis</i> in new languages	Done
Minimise the number of cases brought by Member States or individuals arising from a divergence in language versions of legislative acts	Done
Minimise the number of cases arising from a lack of clarity of community legislation.	Done
<i>Outputs and related actions</i>	<i>Situation at year end</i>
Total number of texts reviewed (+/- 1 450 in 2011).	+/- 1 450

4.1.2. Codification of Community law (SJ.DDG.K.001)

The codification initiative was identified by the Commission as a key part of the better regulation process. Since 2009, a rolling programme for codification has been in operation: this marked the end of a particularly intensive period of codification activity and the return to a 'normal' situation for this legislative technique, which is used as and when necessary to simplify legislative families which have become over-complex as a result of successive amendments. Candidates for this treatment are identified in discussions with DGs and included in the Commission's annual work programme.

Greater recourse should be had to the technique of recasting (codification plus changes to the substance of the act). The entry into force of the Lisbon Treaty means that most ongoing codifications must be converted into recasts in order to incorporate the changes made necessary by the Treaty and this process of adjustment has proved to be particularly problematic, especially as there seems to be no common approach accepted by all EU institutions. In addition, recast is seen as the appropriate technique for amending legislation (with the European Parliament taking the view that it should be the technique of first choice) although in practice its use is currently limited in the face of the revised procedures adopted by the European Parliament where it claims the right to amend any part of a recast proposal. Whilst DGs remain chef de file for recast acts, the LEG team has important roles in the drafting, revision and verification of such acts.

The contract between the Commission and an external contractor became operational in 2009. In addition to preparatory work for the codification programme, the contract also provides for work by the contractor on first-stage analysis of national implementing measures. Several Directorates-General, in particular DG MARKT, have taken advantage of this possibility, and the cooperation between the Commission's departments and the contractor has been excellent. Management of both areas of activity will be part of the Directorate's work for 2012 and subsequent years. The current contract will expire at the end of 2012 and consequently preparatory work on a new call for tenders will begin in early 2012.

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

25 01 07 ACTIVITY: "QUALITY OF LEGISLATION"	
OBJECTIVE: Codification of the acquis.	
<i>Result Indicators</i>	<i>Situation at year end</i>
All acts falling within the codification programme are to be found in Agenda Planning for adoption within the scheduled period	100%
The programme of codification is subject to review within the LS every two weeks	done
Efficient and effective use of the external contractor	Yes, up to ~1 Mio €
<i>Impact Indicators</i>	<i>Situation at year end</i>
The reduction in the number of acts contained in the <i>acquis</i> of the Union	~233 acts
<i>Outputs and related actions</i>	<i>Situation at year end</i>
Codified and recast acts (new and ongoing) planned for adoption in 2012	60
<i>Expenditure</i>	<i>Situation at year end</i>
use of the external contractor	~1 Mio €

4.1.3. Other aspects of legislative simplification (SJ.DDG.K)

The Commission in successive communications on the subject of simplification has recognized the fact that the *acquis* contains many acts which, for various reasons, have become obsolete, but which nevertheless formally remain in force or are applicable because they have not been expressly repealed. These acts obscure the overall picture of the active *acquis* and should be removed from the Directory of Union Legislation in Force.

With a view to the 2004 accessions a list or inventory of generally-applicable acts to be translated into the new official languages was drawn up. This list is now kept regularly updated by the Directorate with a view to future accessions. The Commission's operational departments are encouraged to consult that list so as to enable them not only to check the accuracy of the information given but also to ascertain which documents appear to be no longer relevant.

The impact of these initiatives can be measured by the reduction in the number of acts contained in the *Directory*.

25 01 07 ACTIVITY: "QUALITY OF LEGISLATION"	
OBJECTIVE: Other aspects of legislative simplification. To encourage Commission departments to remove obsolete legislation that is obscuring the overall picture of the active <i>acquis</i> , by repeal or declaration of obsolescence.	
<i>Result Indicators</i>	<i>Situation at year end</i>
Maximise the willingness of Commission departments to participate in this action.	Done
The consequent reduction in the number of acts contained in the Directory of Union legislation in force.	Reduction of acts

4.1.4. Preparation for forthcoming enlargement

As the Commission is actively pursuing its policy of assessing candidate States for future membership of the Union, so the Legal Service must prepare for this. As far as Directorate SJ.DDG.K is concerned, this means ensuring that the *acquis* will be ready for publication in a Special Edition of the *Official Journal* by the date of enlargement in the new language(s). Failure to do so can have serious legal consequences for the Union. This is a collaborative effort involving candidate States, who have to produce a revised translation of the legislation, and the legal services of the Commission, the Council, the European Parliament and the Office of Publications, who have to finalise and publish the resulting texts.

As regards Croatia the first member of the requisite staff has been taken on in 2011 with another to be recruited in 2012, to begin this work and regular meetings will be held with the national authorities in charge of translation in respect of Croatia's prospective accession. The Union *acquis* amounts at present to over 10 000 acts (over 100 000 pages of legislation in *Official Journal* format) and the Commission's share in the finalisation of that total will be over 7 000 acts.

25 01 07 ACTIVITY: "QUALITY OF LEGISLATION"	
OBJECTIVE: Preparation for forthcoming enlargement. To ensure that the relevant resources are in place and that sufficient progress has been made towards the finalisation of the <i>acquis</i> .	
<i>Result Indicators</i>	<i>Situation at year end</i>
Identification and recruitment of suitably-qualified staff.	Ongoing
75% of the Commission's share of the <i>acquis</i> finalised in the new language(s).	Finalisation of 75% of the Commission's share

4.2. Activity 25.01.08: "Legal advice, litigation and infringements"

The activity will contribute to the Commission's activities through its three core tasks: Legal Advice, litigation and infringements.

The Legal Service contribution follows directly from the Commission's role under the Treaties, such as

- (1) proposing legislation to the Council and the European Parliament,
- (2) guardian of the Treaties,
- (3) negotiating agreements under international law,
- (4) adopting implementing legislation, and
- (5) defending the interests of the Union before the Court of Justice, the General Court and the Civil Service Tribunal of the European Union and national and international courts and arbitration tribunals (including WTO).

4.2.1. Legal Advice (SJ Teams A-B-C-D-E-F-G-H-I-J-L-M)

The Legal Service will contribute to all Commissions' activities for 2012 as stated in its mission.

Over the past 15 years, consultations have increased by approximately 6% per year. But in recent years, a “vitesse de croisière” seems to have been reached, with a figure of 14.000 consultations/year. But this may be temporary. The impact of enlargement is expected to be felt to an increasing degree in the coming years. And the consequences of the Lisbon Treaty could raise legal questions or requests for advice considering the new rules and roles devoted to the Commission and the Union. This trend is nevertheless offset by the policy promoted by Commission in 2006, aiming at a simplification of procedures and "débureaucratisation". Currently, approximately 50% of total staff time (for lawyers) is spent on consultations.

Therefore, the impact of the Legal Service is of critical importance in ensuring the legality of the Legislation proposed by the Commission and its DG's, in view of the consequences that this legislation has on the lives of the citizens of the Union.

This impact can only really be estimated by a judicious analysis of the cases before the courts and the judgements given. By improving the Legislation, fewer cases are likely to be brought, whereas by pursuing member states to ensure the application of Community Law, more cases will be brought. By testing the limits of the application of Community Law, fewer cases will be successful, but the impact of those case won may allow for the development of Community Law into new areas of interest and competence.

25 01 08 ACTIVITY: “Legal advice, litigation and infringements”	
OBJECTIVE: To provide high quality and timely legal advice to DG's, Services, the College and the Commission.	
<i>Result Indicators</i>	<i>Situation at year end</i>
Targets will be set as a percentage rate of total consultations replied to within target date. <ul style="list-style-type: none"> ▪ CISNET ▪ Infringements ▪ Ombudsman ▪ RECO (recouvrements créances) 	90 % within due date 90 % within 10 w.d. 90 % within 10 w.d. 90 % within 15 days
<i>Impact Indicators</i>	<i>Situation at year end</i>
This impact can only really be estimated by a judicious analysis of the cases before the courts and the judgements given. Single reports are issued for specific cases and contribution is made to the annual General Report with the analysis of the most important cases concluded during the year.	Yes

4.2.2. Litigation (SJ Teams A-B-C-D-E-F-G-H-I-J-L-M)

The Legal Service will have an impact on the Commissions' activities for 2012 in particular in the fields of competitiveness and Cohesion as several of the key initiatives on controlling state aid in the enlarged Union will result in increased litigation over the coming years.

The implementation of the Lisbon Treaty that may lead to an increase in preliminary rulings, the “Den Haag” programme and a foreseen increase in national cases arising from improved follow-up of recovery orders and the expected increased in WTO cases are all expected to result in an additional work load compared to previous years, exceeding the average figure of 1000 cases/year, recorded in recent years

Furthermore, the Legal Service has experienced an increased number of court cases presented firstly to the Court of Justice, which were then redirected to the General Court. As such a situation results in increased work load given that two court presentations need to be prepared and performed, and the tendency of an increased number of such events, additional resources

will be needed to meet this situation. These additional resources will be made available by internal redeployment.

The Legal Service continues to play a vital role in the area of preliminary rulings where as a rule, it participates in all hearings before the court. The impact of these hearings can be of major importance, as the decisions of the Court may determine the extent of the applicability of Community Legislation.

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

In measuring the targets, the LS has set a zero tolerance policy for missing court dead lines.

25 01 08 ACTIVITY: "Legal advice, litigation and infringements"	
OBJECTIVE: Defend the interests of the Community and Community legislation by providing high quality and timely legal representation before the courts in litigation proceedings.	
<i>Result Indicators</i>	<i>Situation at year end</i>
providing timely legal representation before the courts	100% presentation within due date
Reporting of number of new, pending and closed cases on a regular basis.	done
<i>Impact Indicators</i>	
This impact can only really be estimated by a judicious analysis of the cases before the courts and the judgements given. Single reports are issued for specific cases and contribution is made to the annual General Report with the analysis of the most important cases concluded during the year.	
	yes

4.2.3. Infringements (SJ Teams A-B-C-D-E-F-G-H-I-J-L-M and SJ.DDG.001 unit)

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

Contributing to ensure the full and effective application of Union Law is the aim of the Legal Service in this area, allowing citizens to fully benefit from Union law. Pursuing Member States to ensure that they have correctly transposed Community Legislation within the set deadlines, applied Union law correctly and implemented Court judgments correctly and in a timely manner, allows the Legal Service to contribute to ensuring that the full benefits of these rules are granted.

The impact of the Legal Service in this area can be judged by the number of infringement procedures currently underway in the Commission, those which are resolved without recourse to the Courts and those which are won (or lost) in Court, as the Legal service is consulted on every single decision to be taken by the Commission. The Commission attaches high priority to the application and implementation of Community law¹. The Lisbon Treaty has reinforced the Commission's power in this respect, in particular by speeding up the procedure according to Article 260 (2)² and introducing the new mechanism of Article 260 (3)³. Some areas of activities concerning infringements should be highlighted.

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

² Deletion of the Reasoned opinion.

³ See also Communication "Implementation of Article 260 (3) of the Treaty", OJ EU C 12 of 15 January 2011.

- Control of the legality of the various steps of procedures of all individual cases submitted by the DG's will continue to be an important part of the work of the Legal Service.
- The Legal Service will continue to be in charge, with the Secretariat General, of the organisation of the bi-annual infringement meetings which aim to ensure coherence in the treatment of cases and help assess the implementation of the different elements of the communication. Following conclusions drawn from the first six meetings, it is intended to make the meeting operational through ensuring coherence, sound legal reasoning and equality of treatment between Member States in similar cases as well as identifying horizontal legal issues. The Legal Service will continue to draft the conclusions of these biannual meetings to be submitted to the Commission.
- The Legal Service will continue to monitor in detail the 2 months internal benchmark to submit an application to the CJEU after the Commission has adopted a decision to refer a case to the Court. In this respect an internal IT tool will be made accessible to the Legal service in order to manage and monitor the benchmarks more easily for lawyers and management in each team.
- After the entry into force of the Treaty on the functioning of the EU on 1st December 2009, the necessary adaptations as regards Article 260 have been made and advice given to the services. Following the adoption of the revised Communication on the application of Article 260, in particular concerning financial penalties and the application of paragraph 3 which allows the Commission to ask for financial penalties already at the stage of a referral to the Court of Justice based on Article 258 (old 226) in non communication cases, the Legal Service will in particular ensure detailed coordination and closely monitor such cases with the services.

OBJECTIVE: Pursuing Member States to ensure that they have correctly transposed Community Legislation within the set deadlines and apply Community law correctly	
<i>Result Indicators</i>	<i>Situation at year end</i>
Annual reporting on submission to the Court within 2 months.	Yes
Submission to the Court within 2 months after the adoption of the Commission's decision to complain to the Court.	Pas plus de 10 saisines en retard par mois.
More visible and user-friendly access to information on infringements on the Intranet of the Legal Service.	Yes
Organisation of at least two meetings of the infringement coordinators within the Legal Service.	Yes

<i>Impact Indicators</i>	<i>Situation at year end</i>
To ensure that decisions of the Commission related to infringement matters are based on solid legal grounds.	Done

<i>Outputs and related actions</i>	<i>Situation at year end</i>
Reporting of cases not submitted yet to the ECJ after each monthly infringement decision cycle	done
Number of submissions introduced before the ECJ according to Article 258 and 260 EC	~160 ⁴

<i>Outputs and related actions</i>	<i>Situation at year end</i>
number of consultations related to infringements cases	~2500 –
number of cases to be included on the agenda of the biannual coherence meetings and to be examined by the Legal service	~1000

⁴ Estimates based on the numbers of 2010 and 2011 which show a general tendency to decrease.

4.2.4. Expenses

The expenses mainly concern court cases (litigation and infringements). It is estimated for 2012 at 3.7 Mio € including external lawyers fees (national courts, special language or legal expertise...) and legal costs to be paid by the Commission resulting from decisions of the Courts. The detail is as follows (€):

- External lawyers
 - new contracts : 1.300.000
 - on-going contracts : 1.200.000
- Legal Costs : 900.000
- Enlargement and Reform impact: 300.000

PART 5. Specific objectives for horizontal activities

5.1. AWBL 10 - SJ Activity: “Policy strategy and coordination for the Legal Service”

This role is fulfilled by the General Director, the Deputy General Director, the two Assistants responsible for Legal Coordination and their assistants. (8 person/y)

It ensures that all activities, policies and measures undertaken by the Service are done efficiently and effectively in pursuit of the overall mission in a strategically planned, coherent and comprehensive way.

AWBL 10 - SJ ACTIVITY: “POLICY STRATEGY AND COORDINATION FOR THE LEGAL SERVICE”

OBJECTIVE 1: " Define and coordinate the policy strategy ": *Determine the general strategy of the Legal Service and give the necessary impulse, direction and coordination to policy definition, preparation and implementation in accordance with the Commission policy objectives and the provisions of the Treaties so that the overall mission of the DG is coherently fulfilled as framed and planned.*

<i>Result Indicators</i>	<i>target</i>
Circulation of specific cases via fiches blue, "vertes".	yes
Degree of overall accomplishment of indicators laid down in the Management Plan	100%
Weekly management and “préparatory” meetings and co-ordination of the Legal Service’s advice to the Commission	Yes

OBJECTIVE 2: Strategic Planning and Programming“: Implement the Commission planning and programming process so that the Directorate General delivers its objectives contributing to the overall Commission strategy in an effective, timely, efficient, coherent and accountable manner”

<i>Result Indicators</i>	<i>target</i>
Timely delivery of the various contributions to the Strategic Planning and Programming cycle (CLWP, MP and AAR)	<i>all documents within the deadline</i>

OBJECTIVE 3: “Timely and accurate treatment of court presentations and issuance of legal advice”: Prepare and present Court presentations and Legal advice in a timely and accurate way

<i>Result Indicators</i>	<i>Situation at year end</i>
Number of missed dead lines for court presentations	zero tolerance
Number of overruled advices (changed by Director General) given	minimal tolerance, but still a certain number will exist due to strategic approach

5.2. AWBL 11 - SJ Activity: “Administrative support for the Legal service”

Administrative Support for the Legal Service is provided by:

- the Assistant to the Director general (human and financial resources)(**SJ.ASS1**)
- the internal audit (**SJ.001**)
- the Information & Documentation system (**SJ.DDG.002**) which comprises:
- the IRM and his staff (**SJ.DDG.003**) (see annex 8)

5.2.1. General management (SJ.ASS1)

ACTIVITY: “Administrative support for the Legal service” - General management

OBJECTIVE 1: Human resource management “Recruit, train, assess, motivate and retain highly qualified staff so that effective and efficient operation of the DG as well as promotion of equal opportunities within the DG are ensured”	
<i>Result Indicators (staff management)</i>	<i>Situation at year end</i>
Internal mobility – Lawyers rotation : 1 exercise/year	Yes
Vacancy rate – less than 8%	Yes
Internal Staff movements updated daily	Yes
Implement the CDR in the Legal Service	Yes
% overhead less than 12%	Yes
Number of completed training maps at end of year. 90% should be completed by 31/12/2012	yes
The number of training days provided to staff should meet the guidelines set out in the Legal Service strategic training framework	yes
Take up of tele-working – full use of tokens	Yes
Widespread use of flexitime	Yes
Replacement of absent staff	Yes
Implementation of the Legal Service programme for equality	Yes
Ensure equality targets as set by DG HR, are met for recruitments and promotions	Yes
Ensure the targets for senior management posts are met	Yes
Ensure that every effort is made in the framework of equality issues,	Yes

OBJECTIVE 2: Financial management “Plan, perform, monitor and report on the spending of financial resources so that sound financial management is ensured throughout the DG’s activities”	
Formation financière de base offerte aux nouveaux arrivants du SJ	Oui
Délais de paiement	Max 30 jours
Etablissement des OR relatifs aux affaires gagnées, dans les 6 mois de l’arrêt de la Cour	Oui

OBJECTIVE 3: Crisis Management: “Organiser et gérer la capacité de réaction du SJ en cas de crises	
<i>Result Indicators</i>	<i>Situation at year end</i>
Mise à jour permanente des listes des duty officers	Fait
Organisation de la permanence ARGUS et suivi du système d’alerte	Fait
Assurer la continuité des activités essentielles du SJ en cas d’interruption du fonctionnement de tout ou partie de l’Institution. - Mise à jour annuelle du Plan de Continuité du SJ et régulière des listes critiques	Fait
Participation à / organisation de, un exercice de simulation d’interruption du service	Fait
Essais de communications internes (Noah) avec 3 directions	Fait

OBJECTIVE 4: “Internal control and risk management: Implement, maintain and report on an effective and reliable internal control system so that:

- Reasonable assurance can be given that resources assigned are used according to the principles of sound financial management;
- Risk of errors in operations is minimised and,
- The control procedures put in place give the necessary guarantees concerning the legality and the regularity of the underlying transactions

<i>Result Indicators</i>	<i>Situation at year end</i>
Risk management assesement avec les nouveaux directeurs	Fait
Inscription du personnel du SJ en SECEM	90%
Suivi des standards 8 et rapport annuel dans l’AAR	Fait
Poursuite de l’examen périodique des standards de contrôle interne auprès des services du SJ (avec IAC)	standards 1 à 6 - examinés

OBJECTIVE 5: EMAS: “intégrer au management, une approche soucieuse de l’environnement”.

<i>Result Indicators</i>	<i>Situation at year end</i>
réduction du nombre de mémoires en version « papier » transmis au Cours (e-curia)	25%
Participation aux actions trimestrielles	Fait
Mises à jour trimestrielle des pages web EMAS	Fait

5.2.2. Information & Documentation (groupe InfoDoc) (SJ.DDG.002)

ACTIVITY: “Administrative support for the Legal service” Information & Documentation”

OBJECTIVE 1 : ARES : accompagnement du projet ARES, HERMS, NomCom, outil corporate de la Commission pour la gestion documentaire.

<i>Result Indicators</i>	<i>Situation at year end</i>
Contribuer au développement d’ARES, de NomCom , des Hermes Repository Services (HRS) et Hermes Preservation Services (HPS) pour s’assurer que les besoins du SJ soient pris en charge. Implication active dans ce projet du SG et de la DIGIT, notamment à travers les instances pré-décisionnelles et décisionnelles : réunion des DMO et réunion du "Change management board (CMB) du SecGen et de la DIGIT.	Les développements sont évolutifs
Tenir des sessions de formations aux nouveaux et aux anciens pour améliorer l’utilisation des outils ARES et NomCom,	A intervalles réguliers et en cas de besoins

OBJECTIVE 2 : "Introduction du système e-Curia au SJ"

<i>Result Indicators</i>	<i>Situation at year end</i>
Roll out d’e-Curia, portail Web des parties des trois juridictions de la CdJ, lancé le 21 novembre 2011.	Tous les agents sont des agents possédant un compte e-Curia
Réduction des envois classiques de et à la Cour (EMAS)	25%
Sessions de présentation, initiation et formation au SJ	100%

OBJECTIVE 3 : « Diffusion de l’information interne au SJ »

<i>Result Indicators</i>	<i>Situation at year end</i>
Participation d’Info Doc aux sessions "accueil des nouveaux" pour présenter ses services	Participation assurée
Programmation des sessions "Info Search Sessions" à raison de 6 fois par ans	Sessions tenues
Etablissement de la liste des responsables des pages dans chaque équipe/direction	Fait
Aide aux équipes pour développer leurs pages	Disponible
Faire un bilan en coopération avec l’équipe "qualité" des informations sur la légistique à l’adresse des DG et services	Premier projet disponible

5.2.3. Audit (SJ.001)

OBJECTIVE 1: assurer l'audit interne permanent du SJ	
<i>Result Indicators</i>	<i>Situation at year end</i>
Effectuer les audits convenus avec le DG, pour l'année 2012 (plan de travail)	Yes
Effectuer des audits ponctuels à la demande	Yes
Follow-up des audits	Yes
Examen périodique des standards de contrôle interne auprès des services du SJ (avec IC)	standards 1 à 6 - examinés

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