



2018

Annual Activity Report

Annexes

Legal Service

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ANNEX 1: Statement of the Head of Unit in charge of Risk Management and Internal Control

I declare that in accordance with the Commission's communication on the internal control framework¹, I have reported my advice and recommendations on the overall state of internal control in the DG to the Director-General.

I hereby certify that the information provided in the present Annual Activity Report and in its annexes is, to the best of my knowledge, accurate and complete.

Brussels at March 25, 2019,

signed

William O'LEARY
Head of Unit HR BC IF and RMIC

¹ C(2017)2373 of 19.04.2017.

ANNEX 2: Reporting – Human Resources, Better Regulation, Information Management and External Communication

This annex is the annex of section 2.2 "Other organisational management dimensions".

Human Resources

Objective on HR: The DG deploys effectively its resources in support of the delivery of the Commission 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.			
Result/Impact indicator	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
Percentage of female representation in middle management	50%	40% ²	60%
First appointment of female managers	(new)	3 appointments	3 appointments in 2018, (100% of published posts)
Percentage of staff who feel that the Commission cares about their well-being.	39,8%	Increase by 2020	46%
Staff engagement index	72%	Increase by 2020	73%
<u>Other result indicators</u>			
Organisation of a cycle of specific management training for female lawyers	1 cycle	1 cycle	Training organised in 2018
Lunch time conferences	10	10	19
Training in the external contracting procedure	2 trainings held	maintain	New Indicator – n° of new staff trained by the financial cellule (given the low number of new staff working with financial aspects, individual hands-on information has replaced the training sessions) 5 new staff members trained in 2018.
Organisation of various events with the objective to contribute to an increased staff motivation and appreciation through staff well-being	12	>10	12
Information of staff survey actions	new action	>2	1, only one could be held due to reorganisation of HR management

Sources: Staff Surveys, DG HR reports, Sysper, MY SJ

² European Commission target

Better Regulation

Refer to section 2.2.2 in the Annual Activity Report

External Communication

Refer to section 2.2.4 in the Annual Activity Report

Information management

The Legal Service has reached its objectives as to document management and made the local intranet, MY SJ accessible to all DGs of the Commission.

Objective on Information and knowledge in your DG is shared and reusable by other DGs. Important documents are registered, filed and retrievable.			
Result/Impact indicator	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
Ensuring retrieval of documents	99.96%	99.96%	99.95%
HAN files readable/accessible by all units in the DG	63.75%	>55%	61.55%
HAN files shared with other DGs	0.01%	0%	0.02%
Revamping the overall electronic management activity by making all LS colleagues aware of the huge importance of document management in and for the Legal Service	new action	"Charter ⁴ " of document management in place 4 training sessions	Publication of the LS document management quality standards ⁵ 4 training sessions
Sharing the Legal Service tool Ref2Link with My IntraComm community	new action	Used by 2 pilot DGs	Since 2018, Ref2Link is available to the rest of the Commission and to other EU institutions and Member States ⁶ . 3 systems from other DGs or services are using Ref2Link (e.g. the SG is using Ref2Link for its new project "Edit" aiming at replacing Legiswrite and for DPMS ⁷)
Development of templates for Court procedural documents in all official languages³	new action	15 templates	15 templates available in all official languages
Transfer of infringements cases (paper files) to the Historical Archives. To be fully completed by 2019.	new action	90% of LS infringement files transferred	Target achieved. Transfer completed for the 2004 to 2010 infringement files in which the Commission has initiated the proceedings.
Further implementing e-Domec policy: use of e-signataire	1.80%	50% of documents registered via e-signataire	2.10%. Management decision taken to maintain physical signatures on documents.

³ ULM Template project aims to ensure that the documents produced by the LS comply with a set of standards regarding the presentation, layout and legal wording, to allow a better communication with the Courts and to provide significant productivity gains.

Data Protection Coordination

Major steps that have been taken so far to ensure compliance with the new Regulation (EU) 2018/1725 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies:

- Awareness-raising among Legal Service staff:
 - Communication campaign on My SJ⁸ and organisation of a lunchtime seminar with the EDPS;
 - Data Protection Coordinator/ Assistant Data Protection Coordinator training: in addition to existing legal academic background, continuous training in the field of data protection is in place⁹;
Data breaches: the business processes, operational procedures and data breach reporting mechanisms have been adapted further to the data breach exercise of October 2018. Appropriate feedback was sent by the LS DPC to the DPO in order to issue appropriate guidance.
- Establishment of a complete inventory of all data processing operations:
 - Most of the LS processing operations were already covered by former notifications. In 2018, the Legal Service assessed all its existing notifications and started updating them in view of their migration into the new Data Protection records Management System (DPMS) (released on 11 December 2018). Some operations such as procurement procedures or meetings were not yet covered by former notifications. The required new records of processing operations are scheduled for 2019 and will be produced according to the new model record templates planned for 2019 by the DPO.
 - Processing operations requiring transfers of personal data to international organisations: a mapping exercise has been launched at the end of 2018 (target: Q1 2019)
- Assessment of compliance with general principles (Art. 4 Reg. 2018/1725), in particular as regards lawfulness, data minimisation and storage limitation:
 - Lawfulness:
The LS processing operations are carried out in the public interest in accordance with article 5. a) of Regulation (EU) 2018/1725 and the processing is necessary for compliance with legal obligations to which the LS is subject, in accordance with article 5. b) of the same regulation: the Legal Service shall represent the Commission in all litigation and gives legal advice to the Commission in its functions of drafting legislation, conducting international negotiations, acting as guardian of the Treaties and exercising the implementing powers conferred on it by the Union legislator or by the Treaties.
 - Data minimisation and storage limitation:
The Legal Service processing operations related to litigation and legal advice are transferred to the Historical Archives Service of the Commission for permanent preservation. The personal data included in these files are kept for archiving purposes in the public interest. Appropriate technical and organisational

⁴ "Legal Service document management quality standards"

⁵ The LS document management quality standards have been published on My SJ and disseminated to the Legal Service staff. It is based on the evaluation, finalised in Q2 2018, of existing procedures and practices by the document management working group of the Legal Service.

⁶ Integrated to the ISA² programme ("Interoperability solutions for public administrations, businesses and citizens") and participation in the ISA² conference of November 2018. More information on: https://ec.europa.eu/isa2/isa2conf18/ref2link_en

⁷ Data Protection records Management System

⁸ Several news have been published on the LS Intranet site and the page dedicated to data protection has been completely revamped (cf. <https://myintracomm.ec.europa.eu/dg/SJ/HowWeDoIt/Pages/dataprotection.aspx>).

⁹ Both internally (training sessions organised by the DPO) and externally ("Understanding the GDPR" course, University of Groningen; "Internet and Information Systems' law" Master, University of Strasbourg)

measures are in place in order to safeguard the rights and freedoms of the data subjects:

- the access to these data is restricted to the Legal Service Staff;
 - in case of access to document request, the personal data are not disclosed as they are covered by the exception regarding the protection of personal data pursuant to Art. 4(1)(b) of Regulation (EU) 1049/2001 (for a period of 30 years after the closure of the file) and by Regulation (CEE, Euratom) 354/83 (after the expiry of the 30 years period).
- Appropriate information provided to the data subjects concerned through concise and intelligible privacy statements: for all the processing operations already covered by the former notifications, concise and intelligible privacy statements are available.
- Establishment, where necessary, of internal rules governing the restrictions of data subjects rights: the necessity of such restrictions requires further assessment (planned for Q1 2019)

ANNEX 3: Draft annual accounts and financial reports

ANNEX 4: Materiality criteria

The materiality criteria only apply to the financial management of the Legal Service. It is difficult to determine a materiality level for its court actions and consultations although the impact of these actions can be extremely important for the Institution, both financially and in terms of image.

In this sense, the Legal Service has selected as the materiality threshold 2% of annual appropriations. For 2018 it is set at 93 000 EUR.

However, it still uses a second threshold in its daily management. Any transaction exceeding 30 000 EUR must be brought to the attention of the Director-General or his deputy and signed by them.

Controls implemented by the Legal Service in its circuits and procedures are designed to detect and correct any errors which may occur.

Each year, the Legal Service estimates the financial exposure linked to lost court cases and other situations in which the Legal Service must pay the legal fees of the opposing party. The same procedure for identifying and determining the amount to be provided for has been applied over the past few years. Every year, the actual figures are compared with the estimates in order to improve the accuracy of the provision. The general approach is to be conservative in the assessment of the provision for lost court cases. The total exposure is split into a provision of the amount most likely to be paid (40%) with the remaining part being recorded as a contingent liability (60%).

No errors which occurred in 2018 were by their nature or frequency considered to be of significant or material importance.

The Legal Service considers that it has an appropriate level of management and control systems in place. On-going improvements mainly concern tools and the simplification of certain procedures or the rationalisation of certain sub-activities such as centralised monitoring of forced recoveries.

ANNEX 5: Relevant Control System(s) for budget implementation (RCSs)

The Legal Service only has administrative expenditure.

92% of its administrative budget is for:

- ***Procurement of legal services (42%)***
- ***Cost paid to opposing parties for their legal fees (39%)***

1. Procurement of legal advice and expertise

The Legal Service is a horizontal service and has no program or policy spending.

Due to the fact that legal services are provided upon request they are consequently reactive and not proactive. The Legal Service uses negotiated procedures without publication of a contract notice in the Official Journal according to the Article 134 RAP.

Contracts for external legal services can only be negotiated once there is a court case or a forced recovery order. It covers a limited part of the Legal Service's work that is performed by external providers.

The need for an external lawyer or law firm is decided on the basis of an analysis of a court case or a forced recovery order. Thereafter, potential external providers are identified and a negotiated procedure is initiated.

Stage 1: Planning, needs assessment and selection (ex-ante)

Stage 2: Financial transactions (ex-ante)

Stage 3: Supervisory measures (ex-post)

Main internal control objectives:

- ***Effectiveness, efficiency and economy.***
- ***Compliance (legality and regularity).***
- ***Fraud prevention and detection***

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-Effectiveness indicators (three E's)
<p>Stage 1:</p> <p>Risk of not obtaining value for money due to – sometimes - limited time available for the negotiation procedure.</p> <p>Risk of non-compliance with legality and regularity and criticism of choice of contract partner due to limited time available for the negotiation procedure.</p>	<p>One of the reasons for the established authorisation chain is to ensure that proposed contracts with external providers will ensure value for money.</p> <p>Assessment of legal expertise of the external provider</p> <p>The Financial Cellule provides management with quarterly information about the contracts with external providers allowing for hierarchical control of awarded contracts.</p>	<p>100% of the specifications are verified at Director level.</p> <p>100% of the contracts above a financial threshold (20.000 € for Head of Unit and 30.000 € for Director) are reviewed at DDG/DG level based on risk and sensitivity.</p>	<p>Effectiveness N° of contracts discontinued due to poor quality of service</p> <p>Efficiency Average cost per contract.</p> <p>Economy Estimation of cost of staff involved and the related contract values (if external expertise is used).</p>
<p>Due to time constraints, there may not be enough time to identify the most competent external provider</p> <p>The most economically advantageous offer is not selected due to the limitations in the negotiated procedure</p> <p>Damage to the Legal Service's reputation if conflict of interest is discovered.</p>	<p>Review of all contracts by the Financial Cellule, by the legal coordinator and approval by the Director and for contracts of more than EUR 30.000, the Director-General</p> <p>Declaration of non-conflict of interests requested for all tenders >15.000 €.</p>	<p>100 % of contracts are controlled by the Financial Cellule before signature by the Director-General.</p> <p>Contracts below 20.000 € are signed by Head of Unit and below 30.000 € are signed by the Directors.</p> <p>Contracts above 30.000 € signed by the Director-General</p>	<p>Effectiveness N° of received complaints</p> <p>Efficiency Average cost of a contracting procedure.</p> <p>Economy Estimation of costs involved.</p>
<p>Stage 2:</p> <p>Poor or non-execution by the external provider due to lack of competence in the legal area</p> <p>The services provided for are not, totally or partially, provided in accordance with the requirements in the contract and/or the amounts paid exceed those due in accordance with the applicable contract</p>	<p>Close monitoring of the work executed by the staff in the teams</p> <p>The Financial Cellule keeps records on total consumption of each contract.</p> <p>Operations authorisation by the AO</p>	<p>100% of contracts and invoices are controlled by the teams by monitoring of the work executed by the external provider</p> <p>100% of received invoices are controlled by the Financial Cellule</p> <p>The depth depends on the risk criteria.</p>	<p>Effectiveness % error rate relating to contract management and payments.</p> <p>Efficiency Time-to-pay Late interest payments</p> <p>Economy Estimation of cost of staff involved.</p>

Main internal control objectives:

- **Ensuring that any weakness in the procedures (tender and financial transactions) is detected and corrected.**

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-Effectiveness indicators (three E's)
<p>Stage 3: An error or non-compliance with regulatory and contractual provisions, including technical specifications, or fraud is not prevented, detected or corrected by ex-ante control, prior to payment.</p>	<p>Supervisory desk review of procurement and financial transactions</p> <p>Ex-post publication of contracts awarded (and subsequent publication in the EU Financial Transparency System)</p> <p>Review of ex-post results</p> <p>Review of exceptions or non-compliance events reported</p> <p>Quarterly review of the summary data of awarded contracts</p>	<p>Sample test at least once a year to determine any errors or systemic problems or weaknesses in the procedures (procurement and financial transactions).</p> <p>100% of all contracts approved by a superior function</p> <p>100% of all contracts of more than EUR 30.000 are approved by the Director-General</p> <p>Quarterly report on contracts with external providers are reviewed by management</p> <p>100% of all invoices reviewed by the Financial Cellule</p> <p>Review and assessment of potential exceptions and non-compliance events during the year (100% covered)</p>	<p>Effectiveness Amounts associated with errors detected (related to fraud, irregularities and error).</p> <p>Efficiency: Costs of the ex post controls and supervisory measures with respect to the 'benefits'.</p> <p>Average cost of an ex-post control</p> <p>Economy (costs): estimation of cost of staff involved</p>

2. Compensation to opposing parties for their legal costs

The court may decide that the legal costs incurred by the opposing party should be compensated, fully or partly, by the Legal Service. By its nature, there is no procurement procedure. The obligation arises as a result of the court decision. Upon receipt of the cost claim from the opposing party, the Legal Service assesses the amount claimed. The claim is then either accepted or re-negotiated or the court is asked to determine the amount to be paid.

In the budget planning, the Legal Service assesses the future amount expected to be paid as compensation to the opposing party for their legal fees. It is based on court decisions, estimates and follow up/comparisons with historical data.

Stage 1: Needs assessment (ex-ante)

Stage 2: Financial transactions (ex-ante)

Stage 3: Supervisory measures (ex-post)

Main internal control objectives:

- **Effectiveness, efficiency and economy.**
- **Compliance (legality and regularity).**
- **Fraud prevention and detection**

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-Effectiveness indicators (three E's)
<p>Stage 1: (individual claims/payments) Risk that the budget request will be sufficient to cover future payments to opposing parties for their legal fees</p> <p>Risk that the year-end closing provision will not be sufficiently conservative to cover future expenditure for compensation claims by opposing parties.</p>	<p>The database for litigation requires all closed court cases to be assessed to have a financial consequence. Based on this information, a yearly provision of expenditure to opposing parties is calculated (for the year end closure).</p> <p>Actual payments are compared with the estimates. The ratio is used for future budget requests.</p>	<p>100% of closed cases identified with a financial consequence are covered.</p> <p>Yearly assessment based on best estimate is compared with actual outcome.</p> <p>This procedure has, over the years, proved to provide estimates of good precision.</p>	<p>Effectiveness Assessment of precision by comparison of estimated with actual figures.</p> <p>Efficiency Estimated average cost per payment.</p> <p>Economy Estimation of cost of staff involved</p>
<p>Stage 2: (individual claims/payments) Acceptance of too high cost claims from opposing parties resulting in unnecessarily high expenditure for the Legal Service.</p>	<p>Analysis and assessment, followed by discussion with hierarchy in order to determine the reasonable amount for the opposing party's legal costs</p> <p>Claims above EUR 30.000, informed of (in an explicatory note if proposed to be negotiated) for</p>	<p>100% of claims are approved by the hierarchy, only thereafter is the invoice recorded and the payment procedure initiated.</p> <p>100% of invoices are controlled by the Financial Cellule</p>	<p>Effectiveness N° of control failures</p> <p>Efficiency Average cost per payment.</p> <p>Late interest payments</p> <p>Economy Estimation of cost of staff involved</p>

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-Effectiveness indicators (three E's)
	approval by the Director-General		
Stage 2: Year-end closure: Risk that claims for payments to the opposing party are not identified for the year-end closure.	The data base for litigation requires the lawyer in charge to provide information about financial consequences and regular analysis is made to ensure that the information is up to date and disclosed according to the instructions	Yearly assessment at year-end closure.	Effectiveness Comparison of claimed amounts with actual paid amounts. Efficiency Average cost per payment. Late interest payments Economy Estimation of cost of staff involved

Main internal control objectives:

- ***Ensuring that any weakness in the procedures (financial transactions) is detected and corrected.***

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-Effectiveness indicators (three E's)
Stage 3: A claim is not identified and discussed with the hierarchy	Yearly review of all payments to opposing parties distributed to all Directors for review and approval.	100% of all payments for opposing parties' legal costs are reviewed by the hierarchy 100% of all payments for opposing parties' legal costs of more than EUR 30.000 are approved by the Director-General 100% of all payments are reviewed by the Financial Cellule	Effectiveness Amounts associated with errors detected (related to fraud, irregularities and error) and in % over total checked. Efficiency Costs of the ex post controls and supervisory measures with respect to the 'benefits'. Economy Estimation of cost of staff involved

ANNEX 6: Implementation through national or international public-sector bodies and bodies governed by private law with a public sector mission (if applicable)

Not applicable to the Legal Service

ANNEX 7: EAMR of the Union Delegations (if applicable)

Not applicable to the Legal Service

ANNEX 8: Decentralised agencies (if applicable)

Not applicable to the Legal Service

ANNEX 9: Evaluations and other studies finalised or cancelled during the year

Not applicable to the Legal Service

ANNEX 10: Specific annexes related to "Financial Management"

Table 11 Overview of the estimated cost of controls at Commission (EC) level:

Procurement of legal services							
Ex ante controls			Ex post controls			Total**	
EC total costs (in EUR)	funds managed (in EUR)*	Ratio (%)*: <i>Total ex ante control cost in EUR ÷ funds managed in EUR</i>	EC total costs (in EUR)	total value verified and/or audited (in EUR)	Ratio (%): <i>Total ex post control cost in EUR ÷ total value verified and/or audited in EUR</i>	EC total estimated cost of controls (in EUR)	Ratio (%)*: <i>Total cost of controls ÷ funds managed</i>
203.775 €	1.821 189 €	10.8%		1.881.189 €		203.775 €	10.8 %
Cost compensation to opposing parties for their legal costs							
Ex ante controls			Ex post controls			Total**	
EC total costs (in EUR)	funds managed (in EUR)*	Ratio (%)*: <i>Total ex ante control cost in EUR ÷ funds managed in EUR</i>	EC total costs (in EUR)	total value verified and/or audited (in EUR)	Ratio (%): <i>Total ex post control cost in EUR ÷ total value verified and/or audited in EUR</i>	EC total estimated cost of controls (in EUR)	Ratio (%)*: <i>Total cost of controls ÷ funds managed</i>
81.375 €	1.661.442 €	4.9%		1.661.442 €		81.375 €	4.9 %

General costs for internal control officer							
Ex ante controls			Ex post controls			Total**	
EC total costs (in EUR)	funds managed (in EUR)*	Ratio (%)*: <i>Total ex ante control cost in EUR ÷ funds managed in EUR</i>	EC total costs (in EUR)	total value verified and/or audited (in EUR)	Ratio (%): <i>Total ex post control cost in EUR ÷ total value verified and/or audited in EUR</i>	EC total estimated cost of controls (in EUR)	Ratio (%)*: <i>Total cost of controls ÷ funds managed</i>
16.790 €	3.962.772 €	0.4%		3.962.772 €		16.790 €	0.4 %

OVERALL estimated cost of control at EC level							
Ex ante controls			Ex post controls			Total**	
EC total cost (in EUR)	funds managed (in EUR)*	Ratio (%)*: <i>Total ex ante control cost in EUR ÷ funds managed in EUR</i>	EC total costs (in EUR)	total value verified and/or audited (in EUR)	Ratio (%): <i>Total ex post control cost in EUR ÷ total value verified and/or audited in EUR</i>	EC total estimated cost of controls (in EUR)	Ratio (%)*: <i>Total cost of controls ÷ funds managed</i>
301.940 €	3.962.772 €	8.5 %		3.962.772 €		301.940 €	8.5 %

ANNEX 11: Specific annexes related to "Assessment of the effectiveness of the internal control systems"

Annex 11 to be provided only if needed (optional & free content), for more details on AAR Section 2.1.3. See the Guidance for examples of such information.

ANNEX 12: Performance tables

1.1 Quality of Legislation

Complementary information to Linguistic Revision

Relevant horizontal/general objective 1: 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.

Result/Impact indicator LINGUISTIC REVISION	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
KPI 1 Percentage of draft legal acts selected to undergo legal revision to ensure the quality of texts proposed for adoption.	100%	100%	100%
PI 1 Number of legal text selected for linguistic revision	1455	maintain	1675
PI 2 Number of legal text revised in two or more languages	130	80	150
PI 3 Number of legal text to undergo corrigenda	390	340	303
PI 4 Number of reviewed pages	(2017) 32000	increase	61000

Complementary information to Codification and Recast

Relevant horizontal/general objective 1: 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.

Result/Impact indicator CODIFICATION AND RECAST	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
KPI 1 Percentage of codified legal acts noted in the <i>Decide Planning</i>	100%	100%	100%
PI 1 Number of codified legal acts (source for 2018 – <i>Decide Planning</i>)	5	4	4
PI 2 Number of recasts finalised	16	maintain	9

1.2 Legal Consultation

Complementary information to the number of consultations replied to within deadline.

Relevant horizontal/general objective 1: 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.

Type of consultation	Reply rate	Comments
Decide (8 936 interservice consultations) Delay for the final legal opinion as registered in Decide	89%	Before the final legal opinion is recorded in Decide, the Legal Service provides advice to the clients in order to contribute to the achievement of a positive legal opinion.
Fast track (207 requests)	100%	Deadlines for fast-track consultations can be as short as 48 hours.
Parliamentary questions (6099 requests) Information from Sec Gen.	99%	48 hour delay, average reply from the Legal Service within 26 hours
Petition (812 requests) Information from Sec Gen.	95%	Reply rate provided by the Secretariat General
Ombudsman (73 requests) Information from Sec Gen.	55%	Reply rate provided by the Secretariat General
Access to documents – initial requests (225 requests) Internal Legal Service report/statistics	100%	The fixed standard delay is 30 days, in cases where the request is for a large number of documents or to documents containing sensitive information, the possibility to request extension of the deadline is often applied.
Access to documents – confirmatory (278 requests) Internal Legal Service report/statistics	100%	Idem (access to documents – initial requests)
Reply rate for all consultations	93 %	

Table 12 presents Complementary information to the number of consultations for each thematic team.

Number of Consultation per thematic teams and year						
Team	2014	2015	2016	2017	2018	%
Affair	1 151	1 337	1 265	1 261	1 250	8,5%
Agriculture & Fisheries	1 773	1 773	1 456	1 441	1 500	10,2%
State Aide	879	763	708	637	599	4,1%
Budget, customs & taxation	2 694	1 945	1 732	1 368	1 171	8,0%
CFSP & External Relations	1 183	1 249	1 222	1 268	1 444	9,9%
Competition	1 348	1 434	1 386	1 456	1 541	10,5%
Eurozone	-	-	-	668	1 036	7,1%
European Civil Servant Law	1 154	1 014	893	805	948	6,5%
Institution	560	605	685	606	678	4,6%
Justice, Freedom & Security	376	403	452	484	511	3,5%
Procurement and Recoveries	266	280	308	337	311	2,1%
Internal Market	2 589	2 609	2 871	2765	2 945	20,1%
Employment and Social	591	528	528	448	481	3,3%
Trade & WTO	297	227	264	267	240	1,6%
Total	14 861	14 167	13 770	13 812	14 655	100,0%

Table 12: Evolution of consultations per year and thematic team (Source: Ares)

1.3 Legal Representaion

Table 13 presents complementary information to the number of new court cases (Union Courts) for each thematic team.

New Cases						
Team	2014	2015	2016	2017	2018	%
Affair	123	117	123	215	151	15,3%
Agriculture & Fisheries	39	66	61	54	76	7,7%
State Aide	264	126	158	97	97	9,8%
Budget, customs & taxation	134	121	135	118	99	10,1%
Competition	69	66	54	59	61	6,2%
Eurozone	-	-	-	17	22	2,2%
Institution	33	40	45	39	43	4,4%
Justice, Freedom & Security	55	75	83	108	97	9,8%
Procurement and Recoveries	24	26	22	17	17	1,7%
Internal Market	126	113	84	104	127	12,9%
European Civil Servant Law	112	122	91	48	66	6,7%
Employment and Social	92	96	75	108	124	12,6%
External Relations, Trade & WTO	60	47	18	31	5	0,5%
others	20	24	24	-		
total	1151	1246	973	1015	985	100,0%

Table 13: Distribution of litigation cases, proceedings before the Union Courts (Source: Base Contentieux).

1.4 Infringement

Table 14 presents complementary information to the number of infringement per thematic area. The figures for 2018 are provisional.

Infringement files per subject	2015	2016	2017	2018	%
<i>Transport and mobility</i>	260	265	277	244	15,4%
<i>Energy</i>	80	71	59	93	5,9%
<i>Environment</i>	286	284	325	298	18,8%
<i>Internal Market, Industry, Entrepreneurship and SMEs</i>	156	311	195	172	10,9%
<i>Migration and Home Affairs</i>	115	145	134	145	9,2%
<i>Financial Services & capital markets union</i>	176	256	257	144	9,1%
<i>Taxes and Customs</i>	148	168	141	110	7,0%
<i>Justice and consumers</i>	125	140	172	160	10,1%
<i>Others</i>	215	326	271	215	13,6%
Total	1561	1966	1831	1581	100 %

Table 14: Infringement case per thematic area (Source: NIF). Figures for 2018 are provisional

2. Budget consumption

Table 15 presents complementary information on the implementation of decentralised administrative authorised operations (missions and other administrative expenses)

Budget line	Credits	Commitments	Payments
25.010211.00.01.30 External meetings	1.100	1.100	*
25.010211.00.02.20 Representation	1.300	1.300	1.048
25.010211.00.02.40 Internal meetings	16.600	16.600	16.121
25.010211.00.05 Informatics systems development	265.000	264.986	278.464
25.010211.00.05 Training – Commitment in DG HR – Payment made by the Legal Service			4.620
Total Payments made by the Legal Service			300.253
25.010211.00.01.10 Missions – Commitment in the Legal Service – Payment of Missions made by PMO	481.124	480.141	
Total Credits and Commitments - in the Legal Service	765.124	764.127	

Table 15: Committed and paid amounts for administrative costs in 2018 (Source: ABAC).

*) As from 2018, PMO is responsible for the payments. The amount paid in 2018 for the Legal Service was 110 €,

Complementary information to the assessment of efficiency and effectiveness in the internal control systems, Section 2.1.1.

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

Main outputs in 2018:

Result/Impact indicator	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
Maintaining the residual error rate on payments	<1%%	maintain	<1%
Estimated overall amount at risk for the year for the entire budget under the LS responsibility	<20 000 €	reduce	<10 000 €
Recovery orders for erroneous payments	<5000 € recovered for the past 7 years	reduce	<4000 € average recoveries for the past 7 years in total

Complementary information to the assessment of efficiency and effectiveness in the internal control systems, Section 2.1.1.

Objective 1: Effective and reliable internal control system giving the necessary guarantees concerning the legality and the regularity of the underlying transactions			
Main outputs in 2018:			
Result/Impact indicator	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
All transactions are reviewed ex-ante by the financial cellule to ascertain respect of the Fin. Reg. and the contractual conditions. Deviations reported to the internal control officer.	100% of transactions reviewed	maintain	100%
Exceptions, non-compliance	Zero exceptions	Maintain	Zero exceptions
	<1% of non-compliance in missions	Maintain	<1% non-compliance in the missions procedure
	<2% of non-compliance in external contracting	Maintain	<2% non-compliance in the external contracting procedure
Training in the financial circuit and the standard contract	2	Maintain	Individual training given at >4 occasions

Complementary information to the assessment of efficiency and effectiveness in the internal control system, Section 2.1.1 and 2.1.2.

Objective 2: Effective and reliable internal control system in line with sound financial management.			
Main outputs in 2018:			
Result/Impact indicator	Baseline (2016)	Target	Latest known results as per Annual Activity Report (2018)
Timely execution of payment	12 days	maintain	14 days
Open recommendations from European Court of Auditors (ECA) and the IAS	none	maintain	none