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COMMISSION STAFF WORKING DOCUMENT

**Early-Detection and Exclusion System (EDES) - Panel referred to in Article 145 of
the Financial Regulation**

Accompanying the document

**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN
PARLIAMENT**

**36th Annual Report on the protection of the European Union's financial interests and
the fight against fraud - 2024**

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1. INTRODUCTION

The Early Detection and Exclusion System ('EDES') is a system established by the Commission to reinforce the protection of the Union's financial interests and to ensure compliance with the principle of sound financial management when implementing the budget, in accordance with Article 317 TFEU. In particular, EDES requires the authorising officers responsible to exclude unreliable operators from EU funding for a limited number of years.

More specifically, EDES covers:

- the early detection of persons and entities representing risks threatening the Union's financial interests;
- the exclusion of persons and entities from participating in award procedures or from implementing Union funds;
- the imposition of financial penalties;
- the publication on the Commission's internet site of information related to exclusions and financial penalties to reinforce their deterrent effect in the most severe cases.

The EDES rules are set out in Regulation (EU, Euratom) 2024/2509 of the Parliament (the 'Financial Regulation')⁽¹⁾, which replaced Regulation 2018/1046⁽²⁾ on 26 September 2024, and in the Rules of Procedure of the Panel ⁽³⁾. They provide for a robust system which includes the centralised review of cases by a panel (the 'EDES Panel' or the 'Panel') and a central database.

This system, which currently applies to direct and indirect management, ensures an independent and centralised assessment of the exclusion situations, and the respect of fundamental rights of the person and entities concerned. With the adoption of the current Financial Regulation, EDES will be extended as of 1 January 2028 instances to certain cases involving shared management funds and funds disbursed under direct management with Member States.

⁽¹⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

⁽²⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193 of 30.7.2018, p.1.

⁽³⁾ Commission Decision (EU) 2018/1220 of 6 September 2018 on the rules of procedure of the panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 226, 7.9.2018, p. 7).

In this respect, EDES constitutes an important instrument to ensure the effective protection of the EU financial interests through measures of an administrative nature, while national authorities remain competent for adopting sanctions, including those of a criminal nature⁽⁴⁾.

This Staff Working Document presents the activity of the EDES Panel over 2024.

2. THE PANEL

The key responsibility of the Panel is to issue recommendations on the adoption of administrative measures (*i.e.* exclusion and/or financial penalty and, where applicable, the publication of information related to these actions), following a request from an authorising officer responsible in any the EU institution, agency, office or body. After the assessment of the case, the Panel addresses its recommendation to the requesting authorising officer.

In addition, pursuant to Article 93 of the Financial Regulation, the Panel is also responsible for assessing cases of financial irregularities involving EU civil servants.

By centralising the requests from authorising officers, the Panel ensures the coherent operation of the system by carrying out a preliminary classification in law of the misconduct and upholding the right of defence of the person or entity concerned in the context of the adversarial procedure. In addition, the Panel may assess whether remedial measures presented by the person or entity demonstrate its reliability.

2.1. The composition of the Panel

As laid down in Article 145 of the Financial Regulation, the Panel is composed of:

- a standing high-level independent Chair;
- two permanent Members representing the Commission as owner of EDES, who jointly cast a single vote; and
- one representative of the requesting authorising officer.

The Financial Regulation also provides for a high-level Vice-Chair, who acts as Chair when the latter is unable to perform his or her functions, and for alternates for each of the two permanent members representing the Commission.

⁽⁴⁾ Contrary to what had been the norm with versions of the Financial Regulation prior to 2018, which provided for the imposition of administrative sanctions on unreliable economic operators, the purpose of EDES is not punitive but aims exclusively at the protection of the financial interests of the EU, by stopping unreliable entities from accessing Union funds, albeit for a limited period and, at the same time, deterring them from misbehaving once they are allowed to benefit from those funds again.

The Chair and Vice-Chair of the Panel are appointed by the Commission ⁽⁵⁾ and are independent in the performance of their duties ⁽⁶⁾. They are chosen from among former members of the Court of Justice of the EU, the Court of Auditors or former officials who have had at least the rank of Director-General in a Union institution other than the Commission. Their independence is guaranteed by the fact that their term of office is limited to single non-renewable period of five years.

The current Chair of the Panel, Ms Maria Isabel Rofes i Pujol, is a former judge at the European Union Civil Service Tribunal. The current Vice-Chair is Mr Igors Ludboržs, a former Member of the European Court of Auditors. They were appointed in November 2021.

One of the permanent members representing the Commission on the Panel in 2024 is Mr Olivier Waelbroeck, currently principal adviser responsible for ‘Legal Affairs, financial controls and reporting’ in DG BUDG and previously Principal Adviser for Legal and Financial Issues, Rule of Law, Fraud Prevention and EDES. His alternate is Mr Alessandro Nucara, Head of Unit D1, Protection of the Union’s Financial Interests, DG BUDG.

The other permanent member representing the Commission on the Panel in 2024 was Mr Kristian Vangrieken, a senior staff member of the Commission DG BUDG until his retirement in July 2024. He was succeeded by Mr Pierre Bischoff, currently Adviser for internal relations, DG ESTAT. His alternate is Mr Rene Sloopjes, Head of Unit E3, Implementation and enforcement of EU law, Secretariat-General of the Commission.

For each case, the requesting authorising officer designates a Panel member according to the internal administrative rules of the institution, agency, office, or body concerned.

When dealing with cases of internal financial irregularities by EU staff pursuant to Article 93 of the Financial Regulation, the Panel is composed of three additional members:

- a representative of the competent appointing authority;
- a member appointed by the competent staff committee; and,
- a member of the legal service of the Union Institution concerned.

The Panel is assisted by observers who participate in the Panel’s deliberations without voting rights. The Commission’s Legal Service is a permanent observer to the Panel’s meetings. Where a referral to the Panel stems from an investigation by the European Anti-fraud Office (“OLAF”) or the European Public Prosecutor’s Office (EPPO), representatives of the relevant office participate in the Panel’s meetings as observers. Their attendance allows the Panel to be informed first-hand of: (i) the facts and findings resulting

⁽⁵⁾ The rules applicable to the Deputies are to be found in the Rules of Procedure of the Panel. These rules also apply to the Chair.

⁽⁶⁾ Article 145(3) of the Financial Regulation.

from an OLAF/EPPO investigation; (ii) the estimated financial impact of the misconduct; (iii) the procedural guarantees accorded to the persons and entities concerned; (iv) actions taken by national judicial authorities, if any. The active participation of the Commission's Legal Service, OLAF and EPPO to the work of the Panel is key to ensuring that the Panel delivers high-quality recommendations. In addition, authorising officers (other than the referring authority) who are concerned by the case referred to the Panel may participate as observers in the Panel meetings.

The Panel is supported by a permanent secretariat provided by the Directorate-General for Budget of the European Commission.

The Panel operates under its rules of procedure, which serve to implement and complement Article 145 of the Financial Regulation ⁽⁷⁾. These rules are designed to achieve two main objectives: (i) to regulate the internal functioning of the Panel; and (ii) to provide clear guidance regarding the rights and obligations of all parties involved, including persons or entities subject to exclusion procedures.

2.2. Role of the Panel

Under Article 138 of the 2024 Financial Regulation ⁽⁸⁾, where a person or entity is in an exclusion situation that has not been established by a final judgment or final administrative decision, authorising officers who have become aware of the exclusion situation are to exclude that person or entity on the basis of a preliminary classification in law of the conduct, but in most cases must first request a recommendation from the Panel to determine whether an exclusion situation exists, and, if so, what would be the proportionate administrative measures to adopt, if any. Authorising officers must also request a recommendation from the Panel in cases where a final judgment or final administrative decision has established the existence of an exclusion situation but has not determined the exclusion period.

Not every exclusion situation requires a recommendation from the Panel. Authorising officers may directly exclude entities in certain situations involving, for example, insolvency or the non-payment of taxes, social security contributions, or fines.

The main grounds for exclusion that require a Panel recommendation are the following ⁽⁹⁾:

- grave professional misconduct resulting from: (i) the violation of applicable laws or regulations or ethical standards of the profession to which the economic operator concerned belong; or (ii) the engagement in any wrongful conduct which has an

⁽⁷⁾ Commission Decision (EU) 2018/1220 of 6 September 2018 on the rules of procedure of the panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 226, 7.9.2018, p. 7).

⁽⁸⁾ See Article 138(3) of the Financial Regulation.

⁽⁹⁾ See Article 138(1) of the Financial Regulation.

impact on professional credibility where such conduct denotes wrongful intent or gross negligence;

- fraud, corruption, participation in a criminal organisation, money laundering or terrorist financing, terrorist-related offences or offences linked to terrorist activities, and child labour or other forms of trafficking in human beings;
- significant deficiencies in complying with the main obligations in performing a contract financed by the budget ('serious breach of obligations'), which: (i) has led to early termination of the contract or to the application of liquidated damages or other contractual penalties; or (ii) has been discovered following checks, audits or investigations by an authorising officer, OLAF, the Court of Auditors or the EPPO;
- irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 ⁽¹⁰⁾;
- the creation or use of a shell company in a different jurisdiction from the one of the registered office, central administration or principal place of business, with the intent to circumvent fiscal, social or any other legal obligations; and
- intentionally and without proper justification resisting an investigation, check or audit carried out by an authorising officer (or its representative or auditor), OLAF, the EPPO or the Court of Auditors.

In principle, each case is assessed by the Panel in two phases. First, the Panel reviews the facts established and performs an initial preliminary classification in law of the conduct in order to open the adversarial procedure with respect to the person or entity concerned. Second, the Panel examines the written observations submitted by the person or entity concerned and adopts a recommendation, which is addressed to the requesting authorising officer.

A case can be opened when the Chair finds that the file is complete because it contains all the necessary documents and information, and the Panel is in a position to establish a preliminary classification in law, with a view to notifying the person or entity concerned thereof.

To ensure their right to be heard, the Panel sends an adversarial letter inviting the person or entity concerned to submit written observations within 3 weeks. Upon a duly justified request, the deadline may be extended by no more than half the period initially granted. Nevertheless, without prejudice to their right of defence, the Panel strives to act swiftly

⁽¹⁰⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1) which defines irregularity as: 'any infringement of a provision of Community law resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, either by reducing or losing revenue accruing from own resources collected directly on behalf of the Communities, or by an unjustified item of expenditure.'

where the nature or the circumstances of the case require that it is given priority (e.g. ongoing award procedures; risk of time-barring of the facts).

The Financial Regulation introduced the possibility for authorising officers to request – or for the Panel to apply at its own initiative – an expedited procedure, allowing the Panel to treat with priority cases when this is justified by their nature or circumstances (e.g. where the facts have already been established by a final judgment). The Rules of Procedure of the Panel are currently being revised to give effect to this new possibility. Concretely, this would mean endeavouring to transmit the adversarial letter to the person or entity subject to the proceeding within 30 working days of receiving the request for a recommendation; and adopting the recommendation within 20 working days from the expiration of the time limit for submitting observations by the person or entity subject to the proceedings. It is important to underline that the accelerated timeline will not be achieved at the expense of the rights of defence.

Another novelty to be introduced by the upcoming revision of the Panel's Rules of Procedure is the possibility to adopt an abridged recommendation to accelerate the adoption of authorising officer's decision e.g. not to reject a given entity from ongoing tenders (this is limited to cases where the Panel does not recommend the imposition of administrative measures). This will allow authorising officers to adopt decisions more quickly in certain cases without affecting the rights of defence.

It is important to recall that the Panel has no investigative powers. Therefore, when autonomously assessing the facts and findings established against the person or entity, the Panel relies, *inter alia*, on:

- a) facts established through audits or investigations carried out by: (i) the EPPO; (ii) the European Court of Auditors; (iii) OLAF; (iv) internal audits; or (v) any other check, audit or control performed under the responsibility of the authorising officer;
- b) non-final administrative decisions, which may include disciplinary measures taken by the competent supervisory body responsible for verifying the application of professional ethical standards;
- c) facts referred to in decisions of persons and entities implementing EU funds under indirect management ⁽¹¹⁾;
- d) information sent by entities implementing EU funds under shared management with Member States; and

⁽¹¹⁾ For example, by: the European Central Bank; the European Investment Bank; the European Investment Fund; international organisations; non-EU countries, or the bodies designated by non-EU countries and Member States.

- e) decisions of: (i) the Commission relating to the infringement of the EU's competition rules; or (ii) a national competent authority relating to the infringement of EU or national competition law.

The relevant documents and evidence, whether inculpatory or exculpatory, pertaining to the relevant case is then disclosed to the person or entity concerned in the context of the adversarial procedure, together with the preliminary classification in law of the conduct and the envisaged administrative measure to adopt.

2.3. Recommendation of the Panel

At the outcome of the adversarial procedure, the Panel issues a recommendation to the referring authorising officer on the preliminary classification in law of the conduct and the appropriate administrative measures (if any) to be adopted in the case at issue.

Where the Panel finds that the person or entity should be excluded, or a financial penalty should be imposed, the recommendation will outline the facts justifying the adoption of a measure, their preliminary classification in law, as well as the outcome of the adversarial proceedings led by the Panel.

The Panel's recommendation typically includes the following elements:

- a) a comprehensive description of the facts and findings established against the person or entity concerned;
- b) a summary of the observations put forward by the person or entity concerned;
- c) an all-circumstances analysis of the conduct and its preliminary classification in law;
- d) where applicable, an analysis of the remedial measures adopted by the person or entity concerned;
- e) an analysis of aggravating and mitigating circumstances;
- f) the recommended duration of the exclusion and/or amount of the financial penalty;
- g) an evaluation of whether publication of the administrative measure is necessary in order to reinforce its deterrent effect.

The Panel may recommend an exclusion from participating in award procedures or from implementing Union funds for a maximum of three years or five years, depending on the type of misconduct ⁽¹²⁾.

⁽¹²⁾ A maximum duration of three years is provided for the following grounds: grave professional misconduct, significant deficiencies in complying with main obligations in the implementation of a legal commitment, irregularity, or intentional circumvention of fiscal, social, or other legal obligations. A maximum duration of five years is provided for the most serious misconducts: fraud, corruption, conduct

In some cases, the Panel may recommend imposing a financial penalty, capped at 10% of the total value of the legal commitment. This penalty may serve as an alternative to exclusion in cases where exclusion would be deemed disproportionate, or it may be imposed in addition to the exclusion in cases of systemic or recurrent misconduct. However, it is important to note that a financial penalty cannot be imposed on a recipient who has voluntarily disclosed being in an exclusion situation.

Moreover, the Panel may recommend that information regarding persons with powers of decision and control over an entity in an exclusion situation who were personally and directly implicated in the wrongful conduct be transmitted to the EDES database.

Finally, the Panel may suggest the publication of the administrative measure on the [European Commission website](#) ⁽¹³⁾ to reinforce its deterrent effect ⁽¹⁴⁾.

The recommendation of the Panel is not binding, and the referring authorising officer is free to depart from it. In such cases, the authorising officer must justify their decision to the Panel. Where an authorising officer envisages taking a more severe administrative action than what has been recommended by the Panel, he or she must ensure that the decision is taken with due respect for the right of the economic operator to be heard.

To date, no authorising officer has departed from the Panel's recommendation.

3. COOPERATION WITH OLAF

Given that the Panel lacks investigative powers, the use of information stemming from OLAF investigations and Final Reports is key to the success and effectiveness of the exclusion system and of the protection of the financial interests of the Union.

In accordance with the OLAF Regulation ⁽¹⁵⁾, the Financial Regulation and the Rules of Procedure of the Panel, the responsible authorising officers may use the information stemming from or relating to OLAF investigations to request a recommendation to the

related to a criminal organization, money laundering or terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking of human beings.

⁽¹³⁾ https://commission.europa.eu/strategy-and-policy/eu-budget/how-it-works/annual-lifecycle/implementation/anti-fraud-measures/edes/edes-database_en

⁽¹⁴⁾ The time frame for the publication of the measure is strictly limited to the duration of the exclusion. Information on the measure cannot be published in any of the following circumstances: (i) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings; (ii) where publication would cause disproportionate damage to the economic operator concerned or would otherwise be disproportionate on the basis of the proportionality criteria set out and to the amount of the financial penalty; and (iii) where a natural person is concerned, unless the publication of personal data is exceptionally justified, among other things by the seriousness of the conduct or its impact on the Union's financial interests.

⁽¹⁵⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

EDES Panel. In fact, OLAF reports represented a key source of information in the majority of Panel cases in 2024 ⁽¹⁶⁾.

Provided that all the information collected by OLAF as part of its investigation is subject to strict rules of confidentiality and protection of personal data, as stipulated in Article 10 of that Regulation, the information communicated to the person or entity during the adversarial proceedings must often be redacted before it is submitted to the Panel ⁽¹⁷⁾.

Only exceptionally, where there are compelling legitimate grounds to preserve the confidentiality of an investigation, of national judicial or EPPO proceedings, the right to be heard may be deferred.

This rule applies *mutatis mutandis* to information stemming from the European Public Prosecutor's Office to protect the investigative and prosecutorial tasks conferred upon it. That regime also applies to all documents used by the Panel, in particular audit reports.

During the reporting period, the Panel, its Secretariat and OLAF have sought to enhance their cooperation on the matter and to further clarify how information stemming from or relating to OLAF investigations may be used by the authorising officer responsible in the context of Panel proceedings.

4. THE WORK OF THE CURRENT PANEL

The Panel chaired by Ms Rofes i Pujol has continued to develop its practice and has gone deeper into several important fields of interests by:

- interpreting and clarifying the set of rules on exclusion enshrined in the successive versions of the Financial Regulation;
- taking into account the number of other legal rules and general principles of law applicable, which lie at the intersection of EU administrative and budget law, competition law, contractual law, and criminal law;
- establishing a set of precedents and drawing out principles for the coherent and effective application of the system of administrative measures to be adopted with regard to unreliable persons and entities.

A significant example of the Panel's work in 2024 concerned its practice with respect to remedial measures, which increasingly feature in exclusion cases. In two cases, the Panel was asked to review its previous exclusion recommendations after the entities concerned provided new evidence of the remedial measures that had been taken. In only one of the two cases did the Panel conclude that the new evidence of the remedial measures was

⁽¹⁶⁾ OLAF reports featured in 90% of the cases referred to the Panel in 2024.

⁽¹⁷⁾ In practice, most OLAF reports and information must be redacted.

sufficient when considered with the evidence that was previously submitted for it to recommend immediately lifting the exclusion.

Throughout the reporting period, the EDES Panel faced a severe escalation in the complexity of cases referred by authorising officers. These cases often required exhaustive and protracted deliberations to ensure fair and well-reasoned recommendations. Such complexity stemmed from various factors, including the extended duration of misconduct, its legal qualification, and occasionally, the complex assessment of the available evidence.

A point of attention in the work of the Panel is the actual reliability of the sources underpinning the facts and findings which ground the preliminary classification in law of a conduct. Since the Panel has no investigative powers, it attaches great importance to the checks and investigations carried out by other EU bodies (e.g. OLAF, EPPO), as well as to the adversarial phase of the EDES proceeding in which the person or entity concerned submits arguments and information in its defence.

5. ASSESSMENT OF REMEDIAL MEASURES

According to the Financial Regulation ⁽¹⁸⁾, the authorising officer, having regard, where applicable, to the recommendation of the Panel, shall not exclude a person or entity that has taken remedial measures to an extent sufficient to demonstrate its reliability.

Where such measures are submitted by the person or entity in the context of the adversarial procedure led by the Panel, the latter will thoroughly assess them individually and as a whole before adopting its recommendation.

Conversely, where an exclusion has been adopted, the Panel can be called to revise its recommendation on the basis of (new) remedial measures taken, following a request by the authorising officer or by the person or entity concerned ⁽¹⁹⁾.

The assessment of remedial measures unfolds in two primary steps: (i) the evaluation of the measures, which are scrutinised against the criteria outlined in Article 138(10) of the Financial Regulation; and (ii) the assessment of their sufficiency in demonstrating the entity's reliability. This case-by-case assessment, which is inherently contingent upon the circumstances of the misconduct at issue, considers various factors, including the evidence on the implementation of the measures, a tangible change in the corporate culture, the management direction, as well as any independent evaluation performed on the measures.

If the measures are deemed sufficient to demonstrate reliability of the person or entity concerned, they will rule out the exclusion, and the recommendation will state the reasons for reaching this conclusion ⁽²⁰⁾. However, if the Panel determines that the remedial

⁽¹⁸⁾ Articles 138(9), point (a), and 138(10) of the Financial Regulation.

⁽¹⁹⁾ Article 138(11) of the Financial Regulation.

⁽²⁰⁾ Article 145(6), point (e), of the Financial Regulation.

measures, as proposed, do not meet the requirements of the Financial Regulation it may consider them in the context of the proportionality assessment ⁽²¹⁾).

6. CASE LAW DEVELOPMENTS

Two recent judgments of the General Court are noteworthy:

- In *VC v. EU-OSHA* ⁽²²⁾, the General Court upheld the authorising officer's decision to exclude an entity on the grounds of grave professional misconduct. The Panel had relied on the facts and findings contained in a decision of a national competition authority (NCA) fining the entity for participating in a public bid-rigging cartel. The decision had been appealed to the competent national court, which suspended enforcement of the NCA decision pending the appeal. The General Court confirmed that the Panel and authorising officer may rely on the facts or findings in NCA decisions, even if the enforcement of those decisions has been suspended. The General Court also confirmed that the Panel and authorising officer have a margin of appreciation in assessing remedial measures, such that the General Court may not exercise unlimited jurisdiction with respect to remedial measures, and that its review is limited to reviewing the legality of the authorising officer's assessment. The judgment is under appeal.
- In *TP v Commission* ⁽²³⁾, the General Court annulled the authorising officer's decision to exclude an entity on the grounds of serious deficiencies in complying with its main obligations in the implementation of a legal commitment financed by the Union budget. The Panel had relied on the facts and findings contained in an arbitration award which found two entities jointly and severally liable for a series of defects in the implementation of an EU-funded infrastructure project. The General Court held that unlike for other grounds such as grave professional conduct or fraud, a final judgment cannot not automatically give rise to an exclusion situation where the ground is that an entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the EU budget. Even though the arbitration decision had found the entity jointly and severally liable for serious contractual breaches, the General Court found that the Panel and the authorising officer had an obligation to make a specific and individual assessment of the conduct of the entity concerned but failed to do so in this case. The judgment is under appeal.

⁽²¹⁾ Article 138(4) of the Financial Regulation.

⁽²²⁾ Judgment of 2 October 2024, *VC v EU-OSHA*, T-126/23, ECLI:EU:T:2024:666.

⁽²³⁾ Judgment of 18 December 2024, *TP v Commission*, T-766/22, ECLI:EU:T:2024:908.

7. OVERVIEW OF THE CASES REFERRED TO THE PANEL

In 2024, 16 requests for recommendations reached the Panel through its permanent secretariat. Two of these cases involved reviews of prior recommendations following the submission of new evidence regarding remedial measures. In addition, four requests for recommendations have already been received in the first five months of 2025.

In 2024, the Panel issued 8 recommendations. One further case was withdrawn after consideration of the observations submitted by the entity concerned.

The table in Annex 1 presents an overview of the above-referred recommendations with a summary of: (i) facts and findings; (ii) where applicable, the preliminary qualification in law of the conduct; (iii) the recommended administrative action and the date that it took effect; and (iv) information on whether publication on the website of the Commission was recommended. The cases have been anonymised.

Additional statistics regarding the Panel's operations are provided in Annex 2.

Annex 1 – Summary of anonymised cases referred to the Panel under Article 145 of the Financial Regulation ⁽²⁴⁾

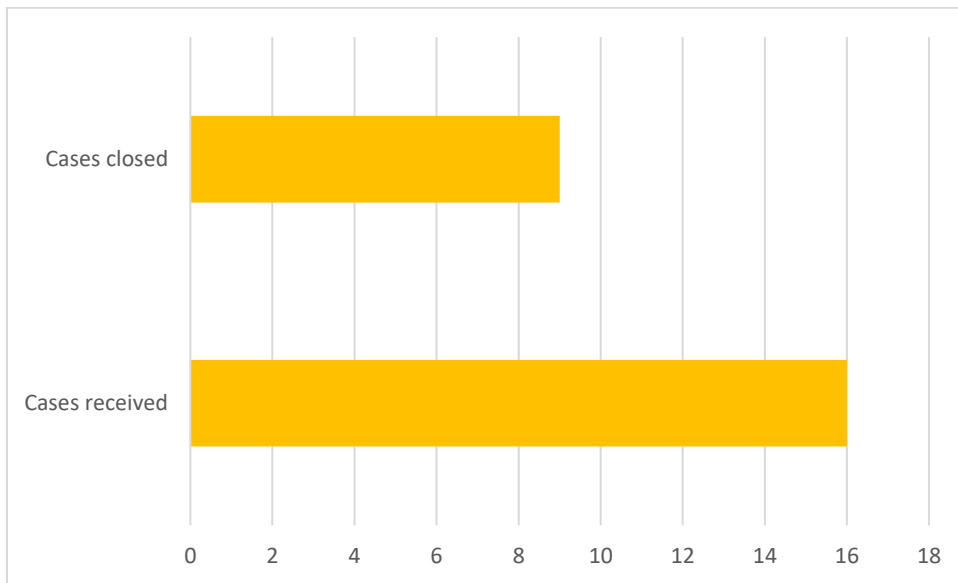
Recommendation number	Facts	Classification in law (exclusion grounds)	Date of the Panel recommendation or opinion	Recommended actions	Recommended Publication	Date of decision of the authorising officer responsible
Rec No 2024/01	Wrongful conduct such as fraudulently misrepresenting information required for the fulfilment of selection criteria and performance of a contract	Grave professional misconduct.	19/01/2024	No exclusion	No	N/A
Rec No 2024/02	Failure to disclose that employee was married to person with ability to influence award procedure.	Grave professional misconduct.	28/05/2024	Exclusion for a 9-month period	No	21/10/2024
Rec No 2024/03	Participation in a public procurement cartel	Grave professional misconduct + sufficient remedial measures	18/06/2024	No exclusion	No	N/A
Rec No 2024/04	Review of prior exclusion recommendation based on additional information regarding remedial measures	Grave professional misconduct	15/10/2024	Lift exclusion	No	N/A
Rec No 2024/05	Misrepresentations regarding eligibility criteria and (non)compliance with grant conditions	Grave professional misconduct	17/12/2024	Exclusion for a 30-month period	No	24/02/2025

⁽²⁴⁾ Only finalised cases are included.

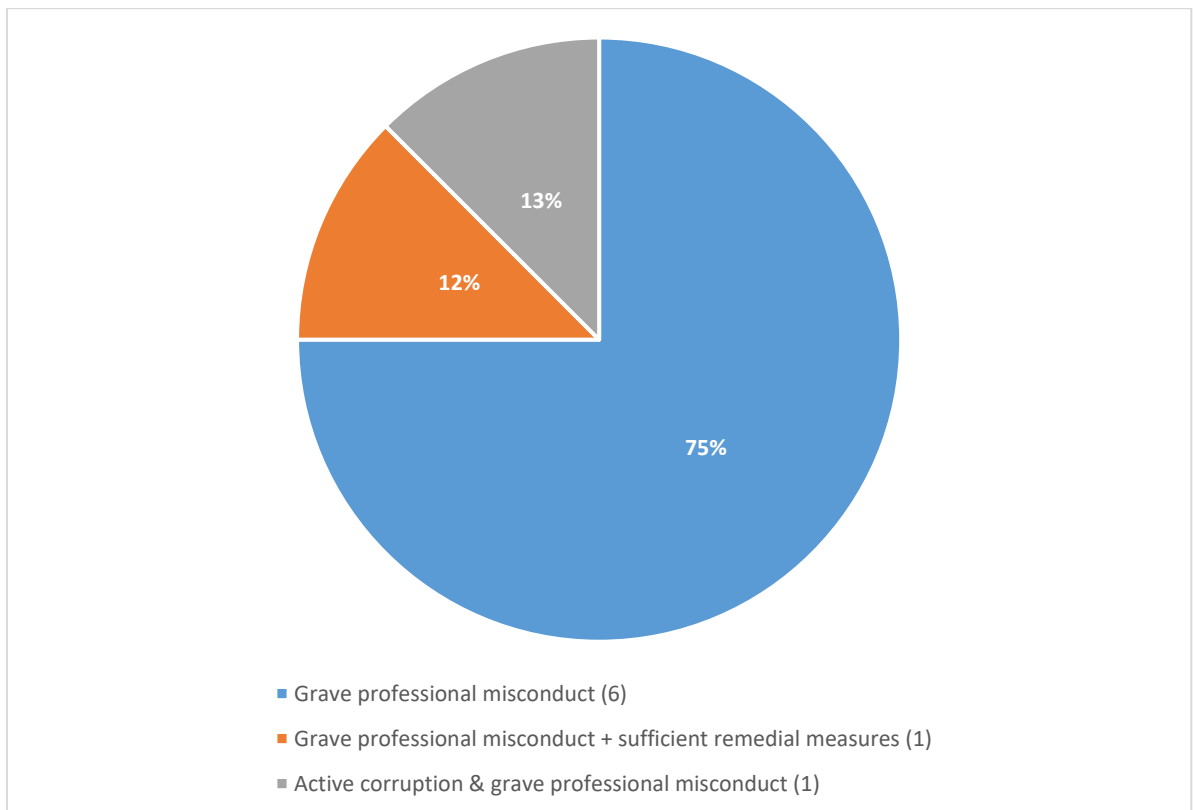
Rec No 2024/06	Submission of unreliable information as regards the availability to work on full-time projects during overlapping periods, and failure to disclose professional engagements under EU-funded contracts which should have been performed at the same time	Grave professional misconduct	19/12/2024	Exclusion for a 3-year period	No	19/02/2025
Rec No 2024/07	Review of prior exclusion recommendation based on additional information regarding remedial measures	Grave professional misconduct	19/12/2024	Maintain exclusion for recommended period	No	N/A
Rec No 2024/08	Using consulting contract to pay member of EU body for confidential information and providing misleading information about compliance with eligibility criteria.	Active corruption & grave professional misconduct	20/12/2024	Exclusion for a 4.5-year period, financial penalty, registration of persons of interest	Yes	21/02/2025

Annex 2 – Additional statistics

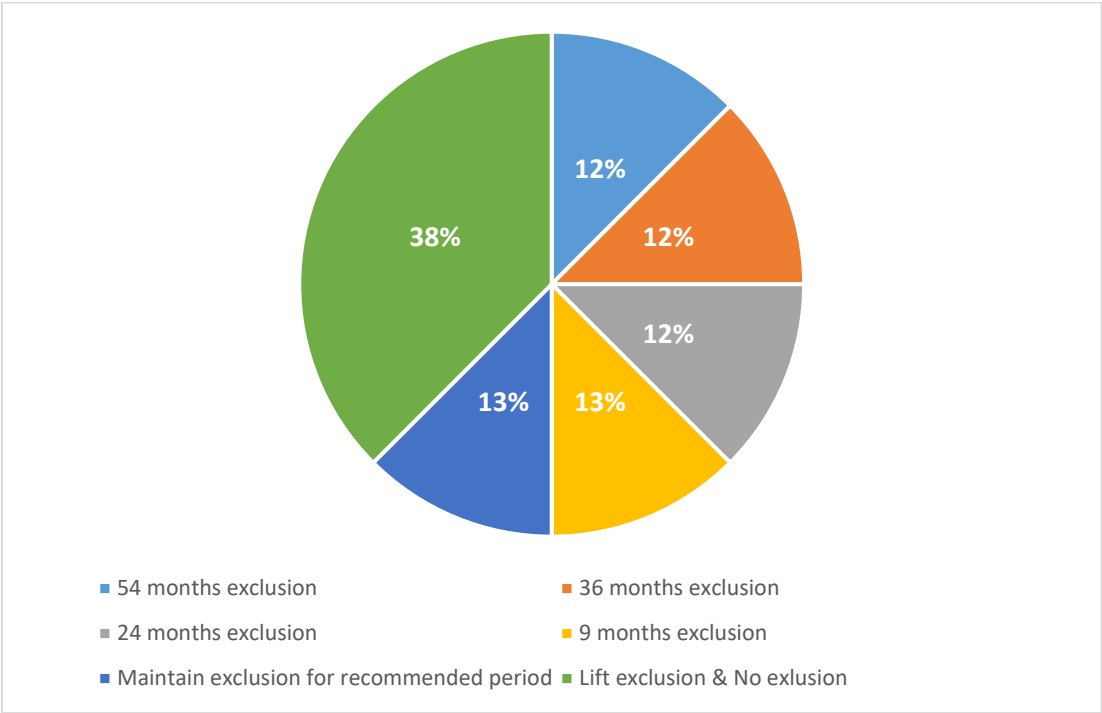
Number of cases (January - December 2024)



Classification in law of Panel Recommendations (January - December 2024)



Recommended sanctions (January - December 2024)



Cases in which publication was recommended in 2024

