



2025/2024

10.10.2025

COMMISSION DECISION (EU) 2025/2024

of 9 October 2025

on the rules of procedure of the panel referred to in Article 145 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾,

Having regard to 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 ⁽²⁾,

Whereas:

- (1) Regulation (EU, Euratom) 2024/2509 has replaced Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽³⁾, providing for an independent panel as set out in Article 145 thereof, to assess certain situations of exclusion of persons and entities referred to in Article 137(2) of Regulation (EU, Euratom) 2024/2509 and to adopt appropriate recommendations ('the Panel') for the purposes of the proceedings to be carried out under the early detection and exclusion system ('the EDES proceedings').
- (2) Decision (EU) 2018/1220 laid down the rules of procedure of the Panel pursuant to Article 143(4) of Regulation (EU, Euratom) 2018/1046, applicable from the date of entry into force of that Regulation to ensure, inter alia, that the rights of defence of persons or entities who are the subject to EDES proceedings, including their right to be heard, are respected.
- (3) Article 145 of Regulation (EU, Euratom) 2024/2509 replaced Article 143 of Regulation (EU, Euratom) 2018/1046 setting out the rules for establishing the composition of the Panel, clarifying the role of vice-chair and the procedure for appointing the chair and vice-chair, as well as preventing and addressing conflicts of interests.
- (4) Article 145(2) and (4) of Regulation (EU, Euratom) 2024/2509 empowers the Commission to adopt the Panel's rules of procedure and for the Panel to be assisted by a permanent secretariat provided by the Commission.
- (5) To ensure the Panel's continuity and proper functioning, it is appropriate to specify the procedure for the appointment and dismissal of the chair and vice-chair and to lay down the rules under which the vice-chair is to act as chair where the chair is absent or prevented from attending to his or her duties.
- (6) To ensure the Panel's continuity and proper functioning, it is necessary to lay down detailed rules on its composition in any given case, in particular those relating to the designation of the two permanent representatives of the Commission, their deputies and the additional member representing the authorising officer responsible.
- (7) It is necessary to specify which observers should participate in the Panel's meetings to ensure that the Panel is fully and adequately informed and supported in carrying out its tasks and making its determinations.

⁽¹⁾ OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>.

⁽²⁾ OJ L 226, 7.9.2018, p. 7, ELI: <http://data.europa.eu/eli/dec/2018/1220/oj>.

⁽³⁾ 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, 30.7.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1046/oj>).

- (8) In the interests of proper administration, it is appropriate to specify the support functions to be provided to the Panel by its permanent secretariat in the framework of the EDES proceedings.
- (9) The procedure for referring a case to the Panel should be clarified, in particular as regards the necessary content of the referral.
- (10) Article 138(8) of Regulation (EU, Euratom) 2024/2509 provides for the possibility of an expedited procedure, the conditions on which this procedure is to be used should be specified in the Panel's rules of procedure.
- (11) Experience has shown that, in order to reduce the duration of the EDES proceedings in exceptional public procurement cases where strict deadlines apply and procedures may only be suspended for a limited time, the Panel may adopt an abridged recommendation setting out only a succinct reasoning, without the need of addressing all the issues raised during the adversarial procedure ⁽⁴⁾. Abridged recommendations may be adopted only where the Panel intends to recommend the responsible authorising officer to not adopt any exclusion or financial penalty, or to recommend lifting an existing exclusion or financial penalty.
- (12) It is appropriate to specify the practical arrangements for close cooperation between the Panel and the European Anti-Fraud Office (OLAF) and between the Panel and the European Public Prosecutor's Office (EPPO) in light of the administrative arrangements on cooperation and timely exchange of information between the Commission and those bodies.
- (13) Decision (EU) 2018/1220 has been revised and renumbered on several occasions. It is therefore appropriate to repeal that Decision and replace it with a new Commission Decision.
- (14) In this context, it is also appropriate to further clarify the rules for the adoption of the Panel's recommendations and opinions.
- (15) Any processing of personal data by the Panel and its permanent secretariat should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁵⁾.
- (16) Regulation (EC) 1049/2001 of the European Parliament and of the Council ⁽⁶⁾ should apply to the recommendations adopted by the Panel,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

This Decision lays down the rules of procedure of the Panel referred to in Article 145 of Regulation (EU, Euratom) 2024/2509 and it replaces Decision (EU) 2018/1220.

⁽⁴⁾ T-113/24, *Lattanzio KIBS and Others v Commission*, ECLI:EU:T:2025:756, paragraph 89.

⁽⁵⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁽⁶⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43, ELI: <http://data.europa.eu/eli/reg/2001/1049/oj>).

*Article 2***Appointment, termination of appointment and dismissal of the chair and of the vice-chair**

1. The chair and vice-chair of the Panel shall each be appointed by Decision of the Commission for a non-renewable term of five years, in accordance with Article 145(3) of Regulation (EU, Euratom) 2024/2509, following a call for expressions of interest. Their terms of office shall begin on the date fixed for that purpose in the respective decisions on their appointment. Those decisions shall be published in the C series of the *Official Journal of the European Union*.
2. The chair and the vice-chair shall remain in their respective posts for up to six months after the end of their term of office if necessary for the functioning of the Panel until their respective replacements have taken up their functions.
3. The chair and vice-chair shall each be appointed as a special adviser of the Commission within the meaning of Article 5 of the Conditions of Employment of Other Servants of the European Union. Their contracts as special advisers shall fully respect their independence and shall not affect the duration of their term of office.
4. If the chair and or the vice-chair no longer fulfils the conditions required for the performance of their respective duties, he or she shall be dismissed by the Commission.
5. The conditions provided for the selection of the chair set out in Article 145(3) of Regulation (EU, Euratom) 2024/2509 also apply to the selection of the vice-chair.

*Article 3***Deputising for the chair**

If the chair is prevented from attending to his or her duties or if the chair's post falls vacant, the vice-chair shall act as chair for the purposes of Article 145 of Regulation (EU, Euratom) 2024/2509 for such time as the chair is prevented from attending to his or her duties or until a new chair is appointed.

*Article 4***Responsibilities of the chair**

1. The chair shall represent the Panel.
2. The chair shall preside over the Panel's meetings and organise its work.
3. The chair shall be assisted to this end by the permanent secretariat referred to in Article 7.
4. The chair may delegate to each of the permanent representatives of the Commission the power to sign specific documents relating to a particular case or to administrative matters on behalf of the chair.
5. The chair shall set the schedule of the Panel's meetings after consulting the permanent representatives of the Commission.
6. The chair shall exercise other powers conferred on him or her by this decision.

*Article 5***Designation of the other Panel members and their deputies**

1. The Principal Adviser responsible for 'Legal Affairs, financial rules, controls and reporting' in the Directorate-General for Budget shall be one of the two permanent representatives of the Commission pursuant to Article 145(2), point (c), of Regulation (EU, Euratom) 2024/2509.

If the position of a Principal Adviser responsible for 'Legal Affairs, financial rules, controls and reporting' is vacant, the Director within the Directorate-General for Budget who is responsible for the permanent secretariat shall become one of the two permanent representatives of the Commission pursuant to Article 145(2), point (c), of Regulation (EU, Euratom) 2024/2509.

The Director-General for Budget shall designate an official holding at least the post of Head of Unit or equivalent to deputise for this permanent representative of the Commission. That person may participate in all deliberations of the Panel but shall only participate in voting when the permanent representative of the Commission is unable to do so.

2. The Director-General for Budget shall designate the second permanent representative of the Commission *ad personam* among Commission officials who holds at least the grade of AD 14.

The Director-General for Budget shall also designate an official holding at least the post of Head of Unit or equivalent to deputise for this permanent representative of the Commission. That person may participate in all deliberations of the Panel but shall only participate in voting when the permanent representative of the Commission is unable to do so.

3. The member representing the requesting authorising officer and any deputy to that member shall be officials or temporary staff members designated in accordance with the rules of procedure and the internal administrative rules of the institution, office, body or agency concerned, as referred to in Article 73(3) of Regulation (EU, Euratom) 2024/2509 who perform at least the functions of Head of Unit or Head of Delegation.

Article 6

Observers

1. Observers may participate in the Panel's deliberations without voting rights.

2. The designated member of the Commission's Legal Service shall be entitled to an observer status for each matter submitted to the Panel and shall provide comments on its own initiative or at the request of the chair. To this end, the designated member shall attend all deliberations of the Panel. The Panel shall inform the Legal Service of all written proceedings in due time before their adoption.

3. In matters where the request of the referring authorising officer is based in whole or in part on information transmitted by OLAF, one or more representatives of OLAF, including to the extent possible the investigators in charge of the case, shall attend the Panel's meetings as observers and participate in the oral and written proceedings arising from the matter. OLAF shall provide comments at the request of the chair.

4. In matters where the request of the referring authorising officer is based in whole or in part on information transmitted by the EPPO, one or more representatives of the EPPO, including to the extent possible those in charge of the case, shall attend the Panel's meetings as observers and participate in the oral and written proceedings arising from the matter in accordance with the provisions of Article 103 of Council Regulation (EU) 2017/1939 ⁽⁷⁾.

5. Where justified in a specific case, the chair may invite OLAF to provide information or advice. The chair may also invite the EPPO to provide information or advice in accordance with the provisions of Article 103 of Regulation (EU) 2017/1939.

6. Authorising officers (other than the referring authorising officer), who are concerned by a case referred to the Panel may request the chair to grant them observer status. Such authorising officers may attend the Panel's deliberations and shall provide oral and written comments at the request of the chair. The Panel shall inform such authorising officers of relevant written proceedings.

7. The chair, after consulting the permanent representatives of the Commission, may invite other observers to attend the Panel's deliberations and may call on them to provide oral or written comments.

⁽⁷⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/1939/oj>).

*Article 7***Permanent secretariat**

1. The Panel's permanent secretariat shall be provided by officials or staff members of the Directorate-General for Budget and shall be attached administratively to that Directorate-General.
2. Under the chair's authority, the permanent secretariat shall:
 - (a) verify the capacity of the referring authorising officer, of his or her designated representative and of any observers;
 - (b) verify that requests for recommendations are complete and contain all the necessary documents and information;
 - (c) identify any other authorising officers concerned by the case who may be proposed as possible observers;
 - (d) organise the necessary dealings and contacts with the referring authorising officer, the Commission's Legal Service and other observers that are or may be associated with the case in question in order to supplement the file;
 - (e) draw up drafts to be submitted to the Panel and send them to the chair, to the other members and to the observers who are to participate in the deliberations in a case;
 - (f) propose to the chair the draft schedule of the Panel's meetings;
 - (g) draw up the draft agenda for the Panel's meetings and send it to the members and participants;
 - (h) verify the presence of the persons and documents necessary to ensure that the Panel's deliberations are conducted properly;
 - (i) attend the deliberations of the Panel and ensure that they are followed up;
 - (j) draw up summary minutes of each meeting and make them available to the members;
 - (k) transmit documents and communications on behalf of the Panel to persons or entities subject to the proceeding, including the letter containing the alleged facts and findings and the preliminary classification in law of the conduct;
 - (l) transmit the recommendation adopted by the Panel to the referring authorising officer;
 - (m) ensure that all correspondence addressed to the Panel or relating to its activities is followed up;
 - (n) keep the register of the recommendations adopted by the Panel and of all the decisions taken by the authorising officers responsible; and
 - (o) ensure the publication of the decisions on exclusion and financial penalties referred to in Article 142 of Regulation (EU, Euratom) 2024/2509.
3. The permanent secretariat can be reached at the following email address: Panel-secretariat-BUDG@ec.europa.eu.

*Article 8***Prevention and management of conflicts of interests**

1. Where the chair, the vice-chair, any other member or that member's deputy, the officials and staff members making up the permanent secretariat, or any other person who participates in the Panel's meetings or is aware of the documents relating to a case, finds himself or herself in a situation that might give rise to a risk of conflict of interests within the meaning of Article 61 of Regulation (EU, Euratom) 2024/2509, he or she shall immediately inform the other members and the permanent secretariat. The same applies where they find themselves in a situation that might objectively be perceived as a conflict of interests.
2. Persons who find themselves in a situation that might give rise to a risk of conflict of interests or that might objectively be perceived as a conflict of interests as referred to in paragraph 1 shall not participate in the deliberations of the Panel or in the adoption of the adversarial letter or the recommendation. A note recording the way in which the risk of the conflict of interests has been dealt with shall be included in the file.

*Article 9***Cooperation between the Panel and OLAF**

1. OLAF shall cooperate closely with the Panel in accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁸⁾, with due regard for the respect of procedural and fundamental rights and for the protection of whistle-blowers.
2. Where the request of the referring authorising officer is based on information transmitted by OLAF, the Panel shall consult OLAF before sending notification to any person or entity who is the subject of a request for a recommendation in order not to breach the confidentiality of judicial proceedings or investigations conducted or coordinated by OLAF, including in respect of the protection of whistle-blowers, and of national investigations or judicial proceedings.
3. Disclosure to persons or entities, or to their agents, of information stemming from, or relating to, investigations conducted or coordinated by OLAF shall require OLAF's agreement.

*Article 10***Cooperation with the EPPO**

The arrangements for cooperation between the Panel and the EPPO shall be set out in accordance with Article 103 of Regulation (EU) 2017/1939.

*Article 11***Submission of requests for recommendations to the Panel**

1. A request for a recommendation may be submitted to the Panel by any authorising officer of the Commission, of another institution, of a European office set up by the Commission, of an executive agency, or of another European office, body or agency.
2. Requests for recommendations shall be sent to the permanent secretariat via ARES where possible and otherwise shall be emailed in confidential form. Requests for recommendations shall ensure the appropriate confidentiality level and security marking on all documents. Where documents stem from or relate to an OLAF investigation, the authorising officer shall apply the relevant OLAF investigations markings.

Where a request for a recommendation is made by an authorising officer that is not of the Commission, the permanent secretariat and that authorising officer shall take the necessary steps to ensure the confidentiality of the information exchanged in the case in question.

3. Requests for recommendations shall contain the information specified in Article 144(3) of Regulation (EU, Euratom) 2024/2509. They shall also contain any other relevant information referred to in Article 138(3) of that Regulation, including, where applicable, OLAF reports and the information transmitted by the EPPO. They shall include a duly completed information sheet.
4. Where a request for recommendation contains reports or other information that were transmitted by OLAF or the EPPO, the authorising officer shall consult OLAF or EPPO, as the case may be, to identify any information that may not be disclosed to persons or entities who are the subject of a request for a recommendation and shall appropriately redact such reports or information before transmitting them to the Panel.

⁽⁸⁾ 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, ELI: <http://data.europa.eu/eli/reg/2013/883/oj>).

*Article 12***Forms of procedure**

Matters before the Panel may be decided either in a meeting of the Panel or by written procedure.

*Article 13***Meetings of the Panel**

Meetings of the Panel may be convened by the chair for the purpose of:

- (a) establishing the preliminary classification in law of a conduct pursuant to Article 138(3) of Regulation (EU, Euratom) 2024/2509 with a view to notifying the persons or entities who are the subject of a request for a recommendation thereof;
- (b) adopting a recommendation as referred to in Article 145(6) of Regulation (EU, Euratom) 2024/2509; or
- (c) dealing with any questions relating to the Panel's functioning.

*Article 14***Written procedure**

On the initiative of the chair or at the request of another member of the Panel, the facts and findings and the preliminary classification in law of the conduct may be established, and the recommendation may be adopted, by written procedure. Any member of the Panel may object to the use of the written procedure. Observers shall be associated with this procedure.

*Article 15***Expedited procedure**

In cases where the nature or circumstances of the case so require, the Panel may decide to expedite the procedure at the request of the authorising officer or on its own initiative. In such cases, the Panel shall endeavour to:

- (a) treat the case with priority and transmit the adversarial letter referred to in Article 16 to the person or entity subject to the proceeding within 30 working days of receiving the request for a recommendation; and
- (b) adopt the recommendation within 20 working days from the expiration of the time limit for submitting observations on the adversarial letter referred to in Article 16.

*Article 16***The right to be heard**

1. Persons or entities who are the subject of a request for a recommendation shall have the right to submit observations, unless exceptional circumstances exist in which there are compelling legitimate grounds to preserve the confidentiality of an investigation or national judicial proceedings that would require that right to be deferred until such legitimate grounds cease to exist, as provided for in the second sentence of Article 145(5) of Regulation (EU, Euratom) 2024/2509.

2. In adopting its recommendations, the Panel shall consider only facts and findings and preliminary classifications in law of conduct in respect of which the person or entity who is the subject of the request for a recommendation has been able to submit observations except in cases where the second sentence of Article 145(5) of Regulation (EU, Euratom) 2024/2509 applies.

3. Before adopting a recommendation, the chair, acting at the direction of the Panel in accordance with Article 17(1), shall send to the person or entity who is the subject of the request for a recommendation a letter disclosing the facts and findings considered by the Panel and the preliminary classification in law of the conduct (an 'adversarial letter'), subject to the provisions of Article 145(5) of Regulation (EU, Euratom) 2024/2509. In principle, this letter shall be sent by email.
4. The addressee of an adversarial letter shall submit any observations on that adversarial letter, including any annexes or attachments to those observations, in writing in the form of electronic files that may be opened using commonly available office productivity software. The observations shall be submitted to the permanent secretariat at the email address given in the letter.
5. The length of observations, excluding annexes, shall not exceed the number of pages of the adversarial letter, excluding annexes, except in duly justified cases involving complex legal or factual issues.
6. As a general rule addressees of adversarial letters shall have fifteen working days to submit observations on the adversarial letter. This period shall start according to the rules set out in Article 146 of Regulation (EU, Euratom) 2024/2509.
7. Where the addressee of an adversarial letter presents a reasoned request for the time limit for submitting observations on the adversarial letter to be extended due to exceptional circumstances, the Panel may extend the time limit by no more than half of the period initially granted.
8. Where a person or entity who is the subject of a request for a recommendation has not submitted observations on the adversarial letter by the applicable deadline despite the notification of the adversarial letter in accordance with Article 146 of Regulation (EU, Euratom) 2024/2509, the Panel may infer that that person or entity does not contest the facts or preliminary classifications in law set out in that adversarial letter.

Article 17

Adoption and notification of adversarial letters and recommendations

1. The members of the Panel shall endeavour to reach a consensus on the content of adversarial letters and, subsequently, on the recommendation.
2. In the absence of a consensus, the matter shall be put to a majority vote in which:
 - (a) the chair has one vote;
 - (b) the two permanent representatives of the Commission together have one vote; if there is no agreement between them, the one vote is a negative one;
 - (c) the member representing the referring authorising officer has one vote.
3. The Panel shall notify its recommendation to the referring authorising officer and the observers.

Article 18

Abridged recommendations

In exceptional public procurement cases where strict deadlines apply and the procedure may only be suspended for a limited time, where the Panel recommends against adopting administrative measures or recommends lifting existing administrative measures, the Panel may adopt an abridged recommendation. The following conditions shall apply.

- (a) Abridged recommendations may only be adopted in case the Panel envisages recommending to not adopt any exclusion decision or any decision imposing financial penalties on a person or entity or recommending the lifting an existing exclusion decision or of a decision imposing financial penalties.

- (b) The authorising officer shall not adopt an exclusion decision or a decision imposing financial penalties on a person or entity on the basis of an abridged recommendation. Where the authorising officer envisages taking a more severe decision than what has been recommended by the Panel, such decision shall be taken in accordance with Article 145(6), second subparagraph of Regulation (EU, Euratom) 2024/2509.
- (c) Recommendations in abridged form must set out the facts and main reasons for the Panel's conclusions but do not need to address all issues raised in the request for recommendation or in the observations on the adversarial letter.

Article 19

Procedure for the adoption of recommendations

1. Once the permanent secretariat has verified the request for a recommendation and has examined the case as provided for in Article 7, it shall send it to the chair and the members of the Panel. The chair shall verify the preparation of the file, after requesting additional measures of verification or examination, where necessary.
2. Proceedings before the Panel in relation to a request for a recommendation shall be opened when the Panel has concluded that the evidence in the file is sufficient to allow it to establish a preliminary classification in law of the conduct and shall be deemed to be closed once the Panel has notified its recommendation to the referring authorising officer or the referring authorising officer has withdrawn its request for a recommendation.
3. The Panel shall endeavour, in principle, to deliver its recommendations to referring authorising officers within a reasonable period after the opening of proceedings, taking into account the need to ensure that the right to be heard is respected.

Article 20

Confidentiality of the proceedings and deliberations

Without prejudice to the application of Article 8(1) of Regulation (EU, Euratom) No 883/2013 and Article 22a of the Staff Regulations ⁽⁹⁾, the members of the Panel and of its permanent secretariat, as well as any persons who have participated in any capacity in the proceedings or meetings of the Panel or have been involved in preparing the documents, opinions or positions issued by it, shall comply with the strictest confidentiality in this respect, in accordance with their possible administrative or contractual liability or liability under the Staff Regulations. The same applies to the chair and vice-chair.

Article 21

Handling of requests for access to documents and protection of personal data

Regulation (EC) No 1049/2001 and Regulation (EU) 2018/1725 apply to the proceedings of the Panel.

⁽⁹⁾ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385/62, ELI: [http://data.europa.eu/eli/reg/1962/31\(1\)/2021-01-01](http://data.europa.eu/eli/reg/1962/31(1)/2021-01-01)).

CHAPTER II**SPECIFIC PROVISIONS ON THE EXERCISE OF THE CONSULTATIVE POWERS REFERRED TO IN ARTICLE 93 OF THE FINANCIAL REGULATION***Article 22***Principles**

1. Articles 1 to 4, 8, 20 and 21 in Chapter I of these Rules of Procedure apply to the Panel's exercise of the consultative powers conferred on it by Article 93 of Regulation (EU, Euratom) 2024/2509.
2. Other articles in Chapter I of these Rules of Procedure shall also apply to the Panel's exercise of the powers referred to in paragraph 1, unless otherwise provided for in this Chapter.

*Article 23***Additional members of the Panel and their deputies**

1. When issuing the opinion referred to in Article 93(1) of Regulation (EU, Euratom) 2024/2509, the Panel shall be composed of the members referred to in Article 145(2), points (a) to (c), of that Regulation and of the following three additional members:
 - (a) a representative of the appointing authority in charge of disciplinary matters of the Union institution, Union body, European office or body or person concerned when the case is referred in accordance with Article 93(1), first subparagraph, point (a), or a representative of the authorising officer responsible when the case is referred in accordance with Article 93(1), first subparagraph, point (b);
 - (b) a member appointed by the staff committee of the Union institution, Union body, European office or body or person concerned;
 - (c) a member of the legal service of the institution, European office set up by the Commission, executive agency or other European office, body or agency of the member of staff concerned.
2. The persons referred to in Article 5(1), second subparagraph, and Article 5(2), second subparagraph, may participate in all deliberations of the Panel, and shall only participate in voting when the permanent representative of the Commission for whom they are a deputy is unable to do so.
3. Each of the three additional members referred to in paragraph 1 shall have a deputy designated, respectively, by:
 - (a) the appointing authority concerned or the authorising officer responsible;
 - (b) the staff committee concerned;
 - (c) the legal service concerned.

*Article 24***Designation of observers**

1. The Commission's Legal Service shall designate an observer when the staff member concerned does not belong to the Commission.
2. The authorising officer responsible or, where appropriate, the Head of a Union Delegation acting as authorising officer by sub-delegation, or their representatives, shall have observer status.
3. OLAF shall designate an observer when the information relating to the alleged breach of a provision of Regulation (EU, Euratom) 2024/2509 or of any other provision relating to financial management or control of transactions results from information transmitted by OLAF.

4. The disciplinary office of the institution or body concerned shall designate an observer where a case is referred to the Panel by the appointing authority. In other cases, it may be invited by the chair to designate an observer.
5. After consulting the members, the chair may invite other observers.

Article 25

Permanent secretariat of the Panel

1. Article 7, except for paragraph 2, points (k) and (o), thereof, applies for the purposes of this Chapter.
2. In particular, the permanent secretariat shall:
 - (a) where the Panel is directly informed of a case by a staff member, ensure that the file is sent to the appointing authority and shall notify this to the staff member who transmitted the information, as specified in Article 26(2);
 - (b) where a case is referred to the Panel, verify the capacity of the referring authority and of its designated representatives;
 - (c) identify, in agreement with the chair, the three additional members of the Panel and the observers and verify their capacity;
 - (d) verify that the files are complete and contain all the necessary documents and information, in particular the information sheet referred to in Article 11(4), a description of the facts and the alleged irregularity, and the supporting documents, including the investigation reports;
 - (e) verify that the staff member concerned has been properly heard by the appointing authority or the authorising officer responsible, as appropriate;
 - (f) draw up the draft opinions to be submitted for examination by the Panel and send them to the chair, to the other members and to the observers who have been called upon to participate in settling a case;
 - (g) send the recommendations referred to in Article 93(3) of Regulation (EU, Euratom) 2024/2509 to the authorising officer responsible and the internal audit service responsible;
 - (h) where the Panel considers that the case is a matter for OLAF, transmit the file to the appointing authority without delay and inform OLAF.

Article 26

Referral of cases to the Panel

1. In accordance with Article 93(1) of Regulation (EU, Euratom) 2024/2509, the Panel shall be convened at the request of any appointing authority responsible for disciplinary matters or of an authorising officer responsible, including a head of a Union delegation or a deputy acting as the authorising officer by sub-delegation, hereinafter a 'referring authority'.
2. Where the Panel is directly informed by a staff member, it shall send the file to the competent appointing authority or, as appropriate, to the authority empowered to conclude contracts and inform that staff member. If the competent appointing authority decides to refer the case to the Panel, it shall inform the staff member. If it decides not to refer the case to the Panel, it shall inform the Panel and the staff member.
3. By way of derogation from paragraph 2, in order to ensure that whistle-blowers are effectively protected, as provided for in Article 22a(3) of the Staff Regulations, the Panel may decide not to inform the competent appointing authority and to inform OLAF.

*Article 27***Written procedure**

At the initiative of the chair or at the request of a member of the Panel, opinions may be adopted by written procedure. Any member of the Panel may object to the use of the written procedure. In that case, the chair shall convene a meeting within a reasonable time. The same rule shall apply as regards the recommendation referred to in Article 93(3) of Regulation (EU, Euratom) 2024/2509.

*Article 28***Adoption of opinions and recommendations**

1. The Panel shall seek to reach a consensus on whether a financial irregularity has occurred and on the reasoning underlying its opinions or recommendations.
2. In the absence of a consensus, the matter shall be put to a vote in which:
 - (a) the chair has one vote;
 - (b) the two permanent representatives of the Commission together have one vote;
 - (c) three additional members referred to in Article 23(1) have one vote each.
3. Paragraphs 1 and 2 apply *mutatis mutandis* to the adoption of the recommendations. The consensus or the vote shall concern in particular the systemic nature of the issues detected.

*Article 29***Notification of opinions**

The Panel shall notify opinions without delay to the referring authority, the authorising officer responsible and the observers. Where the EPPO has been invited as an observer, the provisions of Article 103 of Regulation (EU) 2017/1939 shall apply.

*Article 30***The staff member's right to be heard**

In accordance with Article 93(2) second subparagraph of Regulation (EU, Euratom) 2024/2509, before referring a case to the Panel, the appointing authority or, as applicable, the authorising officer responsible shall give the member of staff involved the opportunity to present his or her observations on the facts concerning them.

CHAPTER III**FINAL PROVISIONS***Article 31***Repeal**

Decision (EU) 2018/1220 is repealed.

Article 32

Entry into force and application

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 9 October 2025.

For the Commission
The President
Ursula VON DER LEYEN