



## PRIVACY STATEMENT REGARDING THE PROCESSING OF PERSONAL DATA

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### COURT OF JUSTICE OF THE EUROPEAN UNION

Everyone has the right to the protection of personal data.

The processing of personal data by Union institutions, bodies, offices and agencies is governed by Regulation No 2018/1725 (OJ 2018, L 295, p.39).

This notice explains why and how your data is processed.

#### EDES

##### Who is the controller?

The controller for this processing of personal data is the Director for the budget and financial affairs (together with the Commission, as the database is set up and operated by the latter).

##### Why do we need your data?

Pursuant to article 142 of the the 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 (OJ L193 30 July 2018) financial rules applicable to the general budget of the Union (hereafter, " the FR"), a database has been set up by the Commission for the purposes of the early detection and exclusion system (hereinafter "EDES") with a view to make information available to all entities who participate in the implementation of the budget and to enable them to protect the European Union's financial interests.

The purpose of the processing operation is the protection of the Union's financial interests by means of detection of risks and imposition of administrative sanctions.

In particular, the purpose of the EDES database is:

- the early detection of risks threatening the Union's financial interests;
- the exclusion of an economic operator which is in one of the exclusion situations



listed in Article 136(1) of the FR;

- the imposition of a financial penalty on an economic operator pursuant to Article 138 of the FR;
- the publication, in the most severe cases, on the Commission's internet site of information related to the exclusion and where applicable the financial penalty, in order to reinforce their deterrent effect (Art. 140 of the FR).

The main objective is to avoid that a third party excluded from participation in a procurement or in an award procedure by the Commission/other institution participates in a procurement or in an award procedure with the Court of Justice of the European union (hereafter " the Court") and vice versa.

The processing ensures that restricted information concerning third parties who could represent a threat to the European Unions' financial interest and reputation or to any fund administered by the European Union is used in a targeted manner. This prevents the Commission, the Court or other institutions from entering a contractual/conventional relationship with these third parties.

What personal information do we collect?

- Identification data: Name, surname, address, country, identity card number/passport number/driving license (or other document proving identity), issuing country, date of birth, place of birth of the economic operator;
- Data on exclusion or early detection of financial penalty;
- Ground (in the case of exclusion) in accordance with article 136 (1) of the FR.
- Data on the duration of the exclusion and concerning the date of the early detection: starting date, ending date, extension of the duration of the exclusion, date of the detection;
- Data on the panel (143 of FR): case submitted to the panel, date of the meeting of the panel, observations submitted by the economic operator, follow-up of the recommendation of the panel (implementation, revision of the panel's recommendation, etc).
- Data on the financial penalty: amount and information concerning the payment;
- Authorising officer responsible for the case;
- Contact person responsible for the case;



- Other categories of personal data may be processed, pursuant to article 136 (1) of the FR.
- Data relating to insolvency or winding-up procedures, or an analogous situation;
- Data relating to the non-payment of taxes or social security contributions;
- Data relating to grave professional misconduct (fraudulent misrepresentation of information, distortion of competition, violation of intellectual property rights, attempt to influence the decision making process of the contracting authority during a procurement procedure, etc.)
- Data relating to fraud, corruption, participation in criminal organisation, money laundering, offences linked to terrorist activities, child labour or other forms of trafficking in human beings;
- Data relating to significant deficiencies in complying with main obligations in the performance of a contract;
- Data relating to an irregularity.

### **How did we receive your data?**

Information on early detection or exclusion are entered in the EDES database by the relevant authorising officers of the Commission or of its executive agencies, by other Institutions and bodies or European offices. The Commission controls and validates the cases that the other Institutions create.

The EDES database is set up and operated by the Commission; the Court has been granted access to consult the database and to enter information on early detection or exclusion. Such procedure complies with Article 142 of the FR. The Commission ensures the administration of the EDES and makes appropriate technical arrangements.

### **Who has access to your data ?**

Recipients of the data of the EDES are the following:

- Authorising officers of the Court responsible for the case;



- The representative of the Court as Member of the Panel referred to in article 143 FR;
- The public regarding cases which are available on the public website of the EDES related to exclusion and where applicable, financial penalty. However, personal data will not be published, unless their publication is exceptionally justified, inter alia, by the seriousness of the act or its impact on the Union's financial interests. In such cases, the decision to publish the information duly takes into consideration the right to privacy and other rights provided for in Regulation (EU) 2018/1725.

Other potential recipients:

- European Court of Auditors, within the scope of its mandate conferred by Article 287 of the TFEU.
- The Court of Justice, the General Court, and the lawyers and agents of the parties involved in the event of legal proceedings.
- The President and the Registrar of the Court and the officials who assist them in their responsibilities conferred by Article 20, paragraph 4, of the Rules of Procedure of the Court.

## How long do we keep your data ?

### Early detection

Information on early detection is registered for a maximum duration of 1 year from the moment the relevant case is validated by the Commission. It is automatically deleted at the end of this period. If, during this period, the authorising officer requests the panel referred to in Article 143 of the FR to issue a recommendation in an exclusion case, the retention period may be extended to allow such recommendation to be issued.

### Exclusion

The duration of the exclusion shall not exceed:

- a) Five years for cases referred to in point (d) of paragraph 1 of article 136 of the FR (in cases of fraud, corruption, participation in criminal organization, money laundering, offences linked to terrorist activities, child labour or other forms of trafficking in human beings);
- b) Three years for the cases referred to in points (c), (e) to (h) of paragraph 1 of article 136 of the FR (grave professional misconduct, significant deficiencies in complying with main obligations in the performance of a contract, irregularity and creation of



entities to circumvent tax, social or other legal obligations;

- c) The duration, if any, set by the final judgement or the final administrative decision of a Member State.

In the cases of points (a) and (b) of paragraph 1 of article 136 of the FR, the duration of the exclusion will correspond with the period in which the exclusion ground is valid (bankruptcy, insolvency or winding-up procedures, or an analogous situation, non-payment of taxes or social security contributions).

Any decision of the authorising officer or any recommendation of the panel on the proposed duration of the exclusion shall be made in compliance with the principle of proportionality (article 136 (3) of the FR).

#### Financial Penalty

In case of a financial penalty, if the relevant information has been published, the publication shall be removed six months after payment of that penalty [140 (1) 4th subparagraph FR].

The information on early detection and/or exclusion will be removed as soon as the time period has elapsed if the authorising officer has not removed it before the end of its duration.

Removed information on early detection, exclusion and/or financial penalty shall be accessible for audit, investigation purposes and for the purposes of the preliminary classification in law due to the fact that the "recurrence" is a criterion to be taken into consideration for the recommendation of the panel referred to in article 143. The removed information shall not be visible for the users of the EDES database.

### **What are your rights?**

You have the right to access, correct and complete the data we hold regarding the economic operator you are representing or the economic operator for which you assume unlimited liability or regarding your personal data. Upon request, you may be sent a copy of these data to correct and complete them.

Any request for access or rectification of these data should be directed to [marchespublics-contrats@curia.europa.eu](mailto:marchespublics-contrats@curia.europa.eu).



## How can you exercise your rights? Contact information

You can contact the controller, the Director for the budget and financial affairs, as follows:

Email address : [marchéspublics-contrats@curia.europa.eu](mailto:marchéspublics-contrats@curia.europa.eu)

Postal address: Cour de justice de l'Union européenne  
L-2925 Luxembourg  
LUXEMBOURG

We respond to your request as soon as possible and in any case within one month. If necessary, this period may be extended.

You can also contact the Data Protection Officer of the Court/  
[DataProtectionOfficer@Curia.europa.eu](mailto:DataProtectionOfficer@Curia.europa.eu)

## European Data Protection Supervisor

You have the right to lodge a complaint to the European Data Protection Supervisor if you consider that your rights under the Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data in the frame of EDES.