****Case scenario Module 2 – competences of the EPPO****

X, CEO of a Hungarian Ltd. and representative of a consortium which was participating in a specific bidding/tendering process, contacted two officials of the European Commission in Brussels. In order to optimize the consortium´s bids, the EU officials were asked if they would grant access to other bidder´s confidential pricing information and other commercially sensitive information.

The officials, citizens of the Member States A and B, situated in Brussels, were willing to provide the requested information for EUR 20 000 each. The conversations with the agents were held in London. During the meetings, A and B provided the requested information by giving X tips that allowed the consortium to marginally underbid the competitor´s offer. In the bidding process, X presented incorrect statements and documents.

The case attracted enormous media and public attention across the European Union. The national prosecution services of A and B were informed of the bribery case by national media services. Each of the Member States of A and B launched national investigations against their respective citizens.

***Questions:***

**Q1. Assuming a damage to the EU´s financial interests has occurred: what is your legal assessment concerning the actions of X? Can the EPPO initiate investigations against him? Would it make a difference, if there were no damage to the EU´s financial interests?**

**Q2. What is your legal assessment concerning the competences of EPPO seen from the perspective as handling national prosecutor of the Member States A or B, who has to deal with the charges against the EU agents?**

# Q3. As a national prosecutor, dealing with the charges against A or B, would you inform EPPO of your case? If yes, how? What has to be done in respect of the national investigations in the meantime?

# Q4. If an argument arises that EPPO is not competent for the case concerning A and B because

* + **no financial damage for the EU´s financial interests occurred or**
  + **the financial damage is less than EUR 10 000.**

**How can such disagreements be resolved?**

# Q5. Can the EDP decide not to evocate the case against A and B if the damage (or likely damage) to the EU`s financial interests is less than

**a. EUR 100 000?**

**b. EUR 10 000?**

**Q6. Given that EPPO has evoked the national investigations from the Member States A and B: In which Member State should EPPO initiate its own investigations?**