

The dismissal of the EPPO investigations – Quiz

Q1. The termination of the investigation:

- a) is decided by the EDP
- b) is decided by the EDP in consultation with the EP
- c) is decided by the Permanent Chamber on the basis of a report by the EDP with the assessment of the EP

Q2. The general requirement for the dismissal of the case is that:

- a) the prosecution has become impossible, pursuant to the law of the Member State of the handling EDP
- b) the prosecution is likely to be unsuccessful
- c) the prosecution is subject to an authorisation by the Permanent Chamber, that is not granted

Q3. The winding up of the accused legal person:

- a) is a mandatory grounds for dismissal of the case
- b) allows the prosecution of the case, whereas at the time of the commission of the offence the legal person was still active
- c) allows the prosecution of the case only as for the civil liability

Q4. The immunity granted to the suspect:

- a) does not undermine the prosecution of the case, as the immunity can be lifted during the trial
- b) is a mandatory grounds for the dismissal of the case at the end of the pre trial stage, unless it was lifted
- c) has no impact on the decision whether prosecuting or dismissing the case

Q5. The expiry of the national statutory limitation:

- a) is set in the EPPO regulation
- b) is set in the PFI directive
- c) is set in the national law of the handling EDP

Q6. The decision to dismiss the case:

- a)* prevents any further reopening of the case, in line with the “ne bis in idem” principle
- b)* allows the reopening of the case on the basis of new facts that were not known at the time of the dismissal
- c)* allows the reopening of the case at any time on any basis

Q7. The decision to reopen the case:

- a)* is taken by the Permanent Chamber
- b)* is taken by the EP on proposal of the EDP
- c)* is taken by the EDP who has to inform the EP

Q8. When the dismissal of the case involves also non-EPPO offences, that are handled by the EPPO as inextricably linked to EPPO offences, under article 22 para 3 of the EPPO regulation:

- a)* the EPPO shall dismiss also the non-EPPO offences with no specific obligations towards the national authorities
- b)* the EPPO shall separate the case as for the non-EPPO offences and leave the decision on their dismissal to the national authorities
- c)* the EPPO shall dismiss the case only after consultation with the national authorities of the Member State competent to decide on the attribution of competences concerning prosecution at national level (art. 25 para 6).

Q9. When a case has been dismissed:

- a)* the EPPO has no further obligation to inform any EU or national body
- b)* the EPPO shall officially notify the national competent authorities, the relevant EU bodies and, where appropriate, the suspect and the victim, and may refer the case to OLAF for the administrative matters
- c)* the EPPO shall always refer the case to OLAF for the administrative follow-up