



EUROPEAN COMMISSION

European Anti-Fraud Office
Directorate A Investigation I
Unit A.1 EU Staff

Brussels
ECR/CC/MJ/AP

Special Handling

FINAL REPORT

OF No **OF/2012/0617**

Title **EU Staff/Commission /matches**

Type of case	Investigation
Legal basis	Article 3 Regulation (EC) No 1073/1999 Article 4 Regulation (EC) No 1073/1999 and Interinstitutional Agreement
OLAF Staff	Eduardo Cano ROMERA - Head of Unit A.1 and investigator in charge Mikael JARETOFT - associated investigator Alberto POTENZA - associated investigator Cvetelina CHOLAKOVA - associated investigator
Date of creation of OLAF case	25/05/2012
Date of opening decision	25/05/2012
EU institution, body, office or agency concerned]	European Commission
Persons concerned	Commissioner John DALLI Mr Silvio ZAMMIT (entrepreneur) Ms Gayle KIMBERLEY (EU Official at the Council)
Source of information	EU Institutions
Fraud Notification System (FNS)	<input type="checkbox"/> Yes

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	<input checked="" type="checkbox"/> No
Offence category	Bribery Trading in influence Misappropriation of EU funds
Area concerned	EU Member, official or other servant Structural Funds expenditure
Investigative or Coordination activities carried out	Interviews with witnesses and with persons concerned Inspection of premises On-the-spot checks Forensic operations Other (pls. see below)
Have the persons concerned been notified of the opening of an investigation? Reason(s) for deferral?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Commissioner John DALLI on 11/07/2012 Mr Silvio ZAMMIT on 04/07/2012 Ms Gayle KIMBERLEY on 14/06/2012 and 30/08/2012
Have the persons concerned been given the opportunity to comment on facts concerning them? Reason(s) for deferral?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Commissioner John DALLI on 16/07/2012 and 17/09/2012; Mr Silvio ZAMMIT on 04-05/07/2012; Ms Gayle KIMBERLEY on 07/09/2012 and 15/09/2012
Evidence of irregularity or fraud	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Financial and other impact

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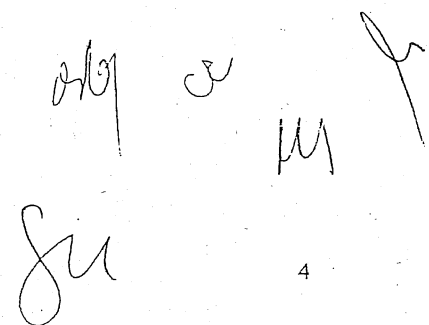
Impact on EU financial interests	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Serious matters relating to discharge of professional duties	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>Pending</i> Judicial proceedings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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1. BACKGROUND INFORMATION

1.1. INITIAL INFORMATION

On 21/05/2012 the company SWEDISH MATCH¹ informed in writing the Secretary General of the European Commission on serious allegations involving Commissioner John DALLI. The Secretary General of the Commission submitted the matter to OLAF in due course, on 24/05/2012.

1.2. SUBJECT OF THE INVESTIGATION

- Related to Commissioner John DALLI the investigation refers to:
 - His supposed involvement in the request of a bribe to the company SWEDISH MATCH and the ESTOC² (European Smokeless Tobacco Council) association to obtain the lifting of the EU ban on snus (Art. 115 of the Criminal Code of Malta). The payment requests were made by Mr Silvio ZAMMIT, as intermediary allegedly acting on Commissioner John DALLI's behalf.
 - His repeated unofficial contacts with interested parties, lobbyists and economic operators to discuss matters related to the snus issue, in possible breach of Art. 245 of the TFEU, of the provisions of the Code of Conduct for Commissioners, of Art. 5.3 of the WHO Framework Convention on Tobacco Control and of the Guidelines for its implementation.
- Related to Mr Silvio ZAMMIT the investigation refers to:
 - Bribery and/or trading in influence or (Art. 115 and/or Art. 121A of the criminal code of Malta). According to the allegations, Mr Silvio ZAMMIT requested SWEDISH MATCH to make a "compensation" payment of €60 million. In doing so he was supposedly acting on behalf of Commissioner John DALLI, in exchange for the promise to ensure a proposal for the lifting of the existing EU ban on snus products, which would be of commercial interest for the company. At a later stage he made a request to ESTOC, a lobbyist group representing the snus producers' interests, by requesting its Secretary General, Ms DELFOSSE, to pay €10 million in exchange for setting up a meeting with Commissioner John DALLI as a preliminary step for obtaining the preparation of a proposal on the above-mentioned measure, which would be beneficial to ESTOC's associates.
 - Possible irregularities in obtaining EU funds related to projects and/or in the management of EU-funded projects. This would have been done via the interposition of a company directly or indirectly controlled by him.
- Related to Ms KIMBERLEY the investigation refers to:
 - Complicity with Mr Silvio ZAMMIT and possibly with Commissioner John DALLI in bribery and/or trading in influence (Art. 115 and/or Art. 121A of the Criminal Code of Malta). According to the information obtained during the investigation, Ms KIMBERLEY participated in the preparation and facilitation of some of the contacts between Commissioner John DALLI and the representatives of the tobacco industry on snus, and assisted Mr Silvio ZAMMIT in the supposed bribe requests.

¹ www.swedishmatch.com

² www.estoc.org

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1.3. PERSONS CONCERNED

- Commissioner John DALLI

Commissioner John DALLI is a Member of the College of the European Commission and Commissioner for Health and Consumer Policy during the second mandate (2010-14) of President BARROSO's Commission.

- Mr Silvio ZAMMIT

Mr Silvio ZAMMIT is the deputy Mayor of the town of Sliema (Malta), and owner of the restaurant PEPPI's KIOSK; he was referred to as organizer of the former election campaign of Commissioner John DALLI and a good friend of his.

- Ms KIMBERLEY (whose maiden name is "CURMI")

Ms KIMBERLEY is an EU official (AD) of the EU Council Legal Service. Since 01/01/2011 (and foreseen until 31/12/2012) she has been on leave on personal grounds and moved to Sliema (Malta) where she currently lives. She currently works as a freelance legal and policy consultant in the field of EU law, Gaming, JPR's and Telecommunications. Between 01/2011 and 07/2012 she was working at the Lotteries and Gaming Authority in Malta where she was in charge of the EU Affairs sector. She is also Board Member of the company YOU ROCK Ltd. which is a Maltese consultancy company, owned by Mr Matthew KIMBERLEY (husband of Ms KIMBERLEY).

Ms KIMBERLEY was initially considered a witness but based on the information gathered in the course of the investigation her status was changed to that of a person concerned (August 2012).

1.4. OTHER PERSONS/COMPANIES INVOLVED

- SWEDISH MATCH

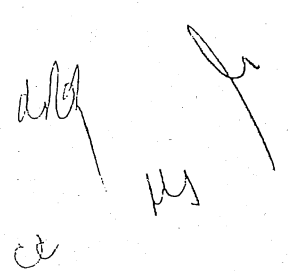
SWEDISH MATCH is a Swedish company that develops, manufactures, and sells brands in product areas such as snus and snuff, other tobacco products (US mass market cigars and chewing tobacco), and Lights (matches and lighters).

- Mr Fredrik PEYRON - Senior Vice President of SWEDISH MATCH;
- Mr Johan GABRIELSSON - Director of Public Affairs of SWEDISH MATCH;
- Mr Patrik HILDINGSSON - Vice President Group Public Affairs of SWEDISH MATCH and Chairman of ESTOC;
- Ms Rupini BERGSTROM - Chairman of the Media WG (ESTOC) and SWEDISH MATCH

- ESTOC

ESTOC was established in 1989 and represents the interests of smokeless tobacco manufacturers and distributors as well as tobacco trade associations. ESTOC monitors all smokeless tobacco-related issues, including the latest scientific developments at a European and global level. ESTOC's objective is to secure the permission to sell smokeless tobacco products that comply with the regulatory framework in Europe and in other parts of the world.

- Ms Inge DELFOSSE - Secretary General of ESTOC
- Mr Tomas HAMMARGREN - Former Chairman of ESTOC



- Ms Paola TESTORI COGGI – Director-General of DG SANCO
- Mr Frank ZAMMIT - Commissioner John DALLI's personal assistant
- Mr Charles SALIBA - Head of Trade of BAT Malta (British American Tobacco)
- Mr Clint BAJADA – BAT Malta (British American Tobacco)
- Mr Mario MERCIERA – a friend of Mr Silvio ZAMMIT
- Mr Iosif GALEA - Compliance officer at Lotteries and Gaming Authority, Malta

1.5. SNUS

Snus is finely ground or cut tobacco sold loose or in small sachet portions and intended to be consumed by placing between the gum and the lip.

The European Union prohibited the marketing of certain types of tobacco for oral use, including Swedish snus, on 15/05/1992. The prohibition was introduced by Directive 92/41/EEC, amending Directive 89/622/EEC.

At that time, the reasons put forward for the ban of oral tobacco were, inter alia, that:

- It has been proved that smokeless tobacco products are a major risk factor as regards cancer,
- New tobacco products for oral use which have appeared on the market in certain Member States are particularly attractive to young people and the Member States most exposed to this problem have already placed total bans on these new tobacco products or intend to do so,
- There is a real risk that the new products for oral use will be used, above all, by young people, thus leading to nicotine addiction, unless restrictive measures are taken in time,
- In accordance with the conclusions of the studies conducted by the International Agency for Research on Cancer, tobacco for oral use contains particularly large quantities of carcinogenic substances.

The use of snus was considered to be significant enough to justify an exemption regarding Sweden, although a ban was placed on the trade of snus with other EU member states according to Article 151 of the Act of Accession of Austria, Finland and Sweden (Decision of the Council of the European Union of 16 May 1994).

The Tobacco Products Directive (2001/37/EC) in force was designed to facilitate the functioning of the internal market of tobacco products, while ensuring a high level of protection of public health.

However, market and scientific developments over the past decade as well as legislative developments at Member States and at international level have led to market fragmentation and increased the need for a revision.

It should be mentioned that in December 2004 there were two decisions³ of the Grand Chamber of the Court of Justice on the legality of the EU measures that imposed the existing ban on snus. The Court came to the conclusion that *"Consideration of the question referred has not disclosed any factor of such a kind as to affect the validity of Art. 8 of Directive 2001/37/EC of the European Parliament and of the Council of 5 June*

³ Case C-434/02 and Case C-210/03

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2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products".

The Directorate General for Health & Consumers (DG SANCO), as part of the preparatory work on the revision of the current Directive, conducted a public on-line consultation in autumn 2010 which resulted in the Report on the public consultation on the possible revision of the Tobacco Products Directive (2001/37/EC in July 2011).

In the above-mentioned report it was stated that the majority of Member States and the public health organisations were in favour of banning all types of smokeless tobacco products, in other words, not lifting the ban on snus. The main arguments came from concerns about the harmful health effects of such products. On the other hand, the great majority from within the tobacco industry, as well as certain non-governmental organisations, were in favour of lifting the ban on snus. They argued that smokeless products could help reduce cigarette consumption and that snus had been shown to be less harmful than cigarettes.

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2. INVESTIGATIVE ACTIVITIES CARRIED OUT

2.1. INTERVIEWS

Since the beginning of the investigation, 6 witness interviews and 5 interviews with persons concerned have been carried out.

2.1.1. Witnesses

- Four witness interviews were conducted on 02/06/2012. The persons interviewed were Ms DELFOSSE⁴, Mr PEYRON⁵, Mr GABRIELSSON⁶ and Mr HILDINGSSON⁷ (the interview of Mr HILDINGSSON continued on 06/06/2012);

Mr GABRIELSSON provided further information to OLAF on 19/09/2012 in a signed statement⁸.

Ms DELFOSSE provided further information to OLAF on 08/10/2012 by email⁹.

- Ms TESTORI COGGI was interviewed as a witness on 17/07/2012¹⁰.

2.1.2. Persons concerned

- Commissioner John DALLI was interviewed as a person concerned on 16/07/2012¹¹ and on 17/09/2012¹².
- Mr Silvio ZAMMIT was interviewed as a person concerned on 04/07/2012¹³. The interview was then suddenly suspended following Mr Silvio ZAMMIT's request, and resumed on 05/07/12¹⁴.
- Ms KIMBERLEY was interviewed as a witness on 14/06/2012¹⁵, and as a person concerned on 07/09/2012¹⁶ and on 15/09/2012¹⁷.

2.2. DOCUMENTS COLLECTED

On 14/06/2012, during her interview as a witness, Ms KIMBERLEY voluntarily provided to OLAF a copy of electronic files which she stored on her personal laptop, namely a copy of the folder in her computer called "Snus", which contained ten files. Amongst them there

⁴ See Ms DELFOSSE's interview record in annex 1;

⁵ See Mr PEYRON's interview record in annex 2;

⁶ See Mr GABRIELSSON's interview record in annex 3;

⁷ See Mr HILDINGSSON's interview record in annex 4;

⁸ See note to the file on the OLAF meeting with Mr GABRIELSSON on 19/09/2012 in annex 5;

⁹ In that regard see further details on the information she provided at the following point 2.2

¹⁰ See Ms TESTORI COGGI's interview record in annex 6;

¹¹ See Commissioner John DALLI's interview record in annex 7;

¹² See Commissioner John DALLI's interview record in annex 8;

¹³ See Mr Silvio ZAMMIT's interview record in annex 9;

¹⁴ See Mr Silvio ZAMMIT's interview record in annex 10;

¹⁵ See Ms KIMBERLEY's interview record in annex 11;

¹⁶ See Ms KIMBERLEY's interview record in annex 12;

¹⁷ See Ms KIMBERLEY's interview record in annex 13;

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was the file of a note entitled "*Meeting with Commissioner*" and containing five questions as points of discussion with Commissioner John DALLI on the snus issues.¹⁸

On 21/06/2012 Ms Gayle KIMBERLEY sent via email additional clarifications together with a scanned copy of the note entitled "*Meeting with Commissioner*"¹⁹.

During an OLAF mission to Malta on 04/07/2012 Ms KIMBERLEY also provided the original of the note "*Meeting with Commissioner*" in paper version. This document had been kept in Ms KIMBERLEY's possession until then.

Ms DELFOSSE provided the following documents to OLAF:

- Copies of the emails sent by Mr Silvio ZAMMIT to ESTOC in February and March 2012²⁰;
- Copy of the recording file of the telephone call she had on 29/03/2012 with Mr Silvio ZAMMIT. The investigation team transcribed the recording that Ms DELFOSSE had made of the telephone call from Mr Silvio ZAMMIT on 29/03/2012²¹.
- Copy of a letter dated 14/03/2012 that ESTOC sent to Commissioner DALLI, containing a selection of scientific quotations and arguments supporting the need for lifting the ban on snus products²².

Commissioner John DALLI sent a letter to OLAF with comments on 24/07/2012.²³

Mr GABRIELSSON provided OLAF on 20/09/2012 with, amongst others, several emails exchanged between Ms KIMBERLEY and himself during the period 17/11/2011 and 06/02/2012.²⁴

2.3. COMMUNICATION SCREENING ON THE OFFICIAL MAILBOXES AND PROFESSIONAL TELEPHONES BELONGING TO COMMISSIONER JOHN DALLI AND MR FRANK ZAMMIT

OLAF requested the Secretary General of the European Commission to provide an image of any data medium held by the European Commission related to the traffic of emails that had passed through the professional computers of Commissioner John DALLI and his personal assistant Mr Frank ZAMMIT and the list of the incoming/outgoing calls from the professional telephone and mobile lines of the above-mentioned persons (period: from 01/10/2011 to 01/06/2012)²⁵.

2.4. INSPECTIONS OF PREMISES

An inspection of premises and related forensic operations were performed in the offices used by Commissioner John DALLI and by Mr Frank ZAMMIT. The investigative activity was carried out during the night of 03 to 04/07/2012²⁶ and did not uncover elements of use to the investigation.

¹⁸ See Documents stored Ms KIMBERLEY's electronic files which she provided to OLAF in annex 14;

¹⁹ See note titled "*Meeting with Commissioner*" in annex 15;

²⁰ See emails sent by Mr Silvio ZAMMIT to ESTOC in February and March 2012 attached to Ms. DELFOSSE's interview record in previous annex 1;

²¹ See "Transcription of telephone call" in annex 16;

²² See the ESTOC letter in annex 17;

²³ Letter from Commissioner John DALLI dated on 24/07/12 in annex 18

²⁴ Emails exchanged between Ms KIMBERLEY and Mr GABRIELSSON in annex 19;

²⁵ See relevant documents obtained from the communication screening of both Commissioner John DALLI and Mr Frank ZAMMIT (period: from 01/10/2011 to 01/06/2012) in annex 20;

²⁶ See Report of inspection of premises in annex 21;

2.5. FORENSIC ANALYSIS OF THE IMAGED HARD DRIVES

The forensic analysis was performed on the hard drives of the computers used by Commissioner John DALLI and by Mr Frank ZAMMIT that were imaged during the Inspection of Premises referred to above. It did not provide results of relevance to the investigation²⁷.

2.6. PHONE CALL MADE BY MS DELFOSSE TO MR SILVIO ZAMMIT ON 03/07/2012 IN THE PRESENCE OF OLAF.

On 03/07/2012 Ms DELFOSSE, in agreement with, and in the presence of OLAF, called Mr Silvio ZAMMIT on his GSM, in order to get more details about the offer of "services" he had previously made to ESTOC on 29/03/2012²⁸. This phone call did not provide any useful results with regard to the allegations.

2.7. ON-THE-SPOT CHECK

An on-the-spot check was conducted at the premises of the company PEPPi's KIOSK, owned by Mr Silvio ZAMMIT, in relation to the external aspects of the case on 04/07/2012²⁹. That investigation activity did not provide any additional useful results with regard to the allegations.

2.8. ANALYSIS OF THE LIST OF INCOMING AND OUTGOING TELEPHONE CALLS REGARDING GSM TELEPHONE NUMBERS BELONGING TO THE PERSONS CONCERNED

During July/August 2012 OLAF requested the Maltese Authorities to provide lists of incoming/outgoing telephone calls regarding telephone number(s) in the name of/used by Commissioner John DALLI and Mr Silvio ZAMMIT belonging to any Maltese mobile operator during specific periods.

In that regard, it should also be noted that during his interview on 16/07/2012 Commissioner John DALLI provided OLAF with his (Maltese) GSM number "*for possible checks for investigative purposes*".

2.9. OPEN SOURCES INTELLIGENCE GATHERING

Intelligence analysis was performed by OLAF on EU funded projects involving the municipality of Sliema, Malta. The analysis did not provide useful results with regard to the allegations.

Research on open sources was also performed with regard to the persons and entities involved in the current matter.

²⁷ See computer examination and analysis report in annex 22;

²⁸ See details on the "offer" at the following point 3.1.

²⁹ See report of the on-the-spot check at the premises of the restaurant PEPPi's Kiosk in annex 23;

3. OUTCOME OF THE INVESTIGATION

3.1. FINDINGS

- **During summer 2010** and following a request by ESTOC, in agreement with BAT Malta (British American Tobacco), Mr Silvio ZAMMIT organised a meeting which, in ESTOC's perspective, was aimed at establishing a dialogue with Commissioner John DALLI concerning snus/smokeless tobacco³⁰. Following arrangements that Mr Silvio ZAMMIT had made with the Commissioner, the meeting was held on 20/08/2010 in Gozo, Malta, at the hotel Kempinski where the Commissioner was on holiday. The meeting was initially attended by the Commissioner himself, Mr Silvio ZAMMIT, Mr SALIBA, Head of Trade of BAT Malta³¹, and Mr HAMMARGREN (at that time chairman of ESTOC). Mr Silvio ZAMMIT and Mr SALIBA then left the Commissioner and Mr HAMMARGREN to talk alone. After the meeting the latter then prepared a report for ESTOC's records³².

In this report it is written that this was a "meeting *off the record*"³³ and that: "JD has been strongly advised by other part of the Commission (Barroso office or just the services, C6?) not to meet or be lobbied by tobacco companies"³⁴. In the same report Mr HAMMARGREN referred to Mr Silvio ZAMMIT as a "very close friend to JD"³⁵.

- On **20/10/2011** Ms DELFOSSE (ESTOC) received an email addressed to the former chairman of ESTOC (Mr HAMMARGREN) from Mr Silvio ZAMMIT, stating that he was on his way to Stockholm. She replied to Mr Silvio ZAMMIT that Mr HAMMARGREN was no longer at ESTOC and they agreed to meet the following day in Stockholm³⁶.
- On **21/10/2011** they had lunch together with Ms BERGSTROM (SWEDISH MATCH) and Mr MERDIECA (a friend of Mr Silvio ZAMMIT). The meeting was aimed at discussing in general terms the snus issue, the snus ban and the relevant science³⁷. According to the witness statement of Ms DELFOSSE, during the lunch Mr Silvio ZAMMIT made it clear that he was very close to Commissioner John DALLI and, as a demonstration of that, he reportedly tried to call him on the phone and, later on, told the attendees that a call he had received was from the Commissioner³⁸.

The telephone toll records show that Mr Silvio ZAMMIT did indeed call Commissioner John DALLI on 21/10/2011 at 12:55:11" without receiving any reply and, again, at 15:04:16", this time talking for 53". On the other hand, it appears that Commissioner John DALLI did not call Mr Silvio ZAMMIT.

³⁰ See the interview record with Mr Silvio ZAMMIT on 04/07/2012, page 3 in previous annex 9;

³¹ And/or Mr BAJADA from BAT Malta;

³² See the report "Meeting Review & Report" in previous annex 1;

³³ See the report "Meeting Review & Report, page 1 in previous annex 1;

³⁴ See the report "Meeting Review & Report, page 1 in previous annex 1;

³⁵ See the report "Meeting Review & Report, page 2 in previous annex 1;

³⁶ See the interview record with Ms DELFOSSE on 02/06/2012, page 2 in previous annex 1;

³⁷ See the interview record with Ms DELFOSSE on 02/06/2012, page 2. in previous annex 1. As a follow-up of the meeting Ms DELFOSSE also emailed Mr Silvio ZAMMIT general information on snus health statistics;

³⁸ See the interview record with Ms DELFOSSE on 02/06/2012, page 2 in previous annex 1;

Date	Starting time	Caller	Duration
21/10/11	12:55':11"	SZ	0"
21/10/11	15:04':16"	SZ	53"

According to the witness statement of Ms DELFOSSE, Mr Silvio ZAMMIT also received a telephone call from Ms KIMBERLEY and told her that he was having lunch with "snus-people"³⁹. Ms KIMBERLEY replied that a friend of hers had been recently hired by SWEDISH MATCH⁴⁰. In that context she was referring to Mr GABRIELSSON (Director of Public Affairs at SWEDISH MATCH since October 2011).

However, according to the information provided by Ms KIMBERLEY during her interview as a person concerned and also according to the information in the telephone toll records, Mr Silvio ZAMMIT was in fact speaking with his friend Mr GALEA at that moment. Mr GALEA was also a colleague of Ms KIMBERLEY in the Lotteries and Gaming Authority in Malta. Ms KIMBERLEY explained that at that moment Mr GALEA came to her with the phone in his hand and asked her whether she knew someone in the snus issue in Brussels. To that Ms KIMBERLEY replied that she knew Mr GABRIELSSON who had recently started to work in a private company working with snus, mentioning this while Mr GALEA was still on the phone with Mr Silvio ZAMMIT⁴¹.

The following relevant phone calls between Mr Silvio ZAMMIT and Mr GALEA were found in the telephone toll records for that day:

Date	Starting time	Caller	Duration
21/10/11	12:38':59"	SZ	175"
21/10/11	12:59':48"	SZ	58"
21/10/11	13:26':08"	SZ	95"

According to the statement of Ms KIMBERLEY as a person concerned, she was first told about the fact that Mr Silvio ZAMMIT knew Commissioner John DALLI by Mr GABRIELSSON, who invited her to contact him in order to check if this was true and whether Mr Silvio ZAMMIT could organise a meeting with the Commissioner. Ms KIMBERLEY stated that she did not know Mr Silvio ZAMMIT personally until then but she contacted him in person, as asked by Mr GABRIELSSON/SWEDISH MATCH⁴².

- In **November 2011** Mr GABRIELSSON phoned his friend Ms KIMBERLEY. The reason was to find ways of reaching Commissioner John DALLI in order to provide him with information relevant to the snus issue. Ms KIMBERLEY stated that she

³⁹ See the interview record with Ms DELFOSSE on 02/06/2012, page 2-3 in previous annex 1;

⁴⁰ See the interview record with Ms DELFOSSE on 02/06/2012, page 2-3 in previous annex 1;

⁴¹ See the interview record with Ms KIMBERLEY on 07/09/2012, page 3 in previous annex 12;

⁴² See the interview record with Ms KIMBERLEY on 07/09/2012, page 3 in previous annex 12;

knew the Commissioner and Mr GABRIELSSON asked if she could help SWEDISH MATCH on the issue of lifting of the EU ban on snus.⁴³

- On **17/11/2011** Ms KIMBERLEY sent by e-mail to SWEDISH MATCH an offer proposing to provide consultancy/lobbying services with regard to this request⁴⁴.

The "package of services" that was offered was as follows:

- *Introductory meeting and briefing between yourself and us (me and liaisons)*
- *Familiarisation with the legal framework and interests of snus manufacturers*
- *Preparation and drawing up of presentation to put forward to the Commissioner*
- *Lobbying efforts and setting up of meetings with Commissioner and his people*
- *Meeting (location to be established) and presentation, by us, to Commissioner*
- *Briefing of the outcome of the meeting with Commissioner*
- *Possible Press coverage*
- *Planning next steps.*

In her email Ms KIMBERLEY also mentioned the company YOU ROCK Ltd. for the related invoicing that, subject to SWEDISH MATCH's agreement, was proposed at the amount of €5 000. In order to explain the amount being charged, it was specified that it also included possible travels to be carried out in order to meet Commissioner John DALLI.

- On **18/11/2011** Mr Silvio ZAMMIT and Ms DELFOSSE spoke by phone for 33'. He told her that he had seen "John" and confirmed that he ("John") had read some materials, and understood ESTOC's point. He claimed that Commissioner John DALLI was willing to take some risks and that he could get the ban lifted. In that regard, and in order to strengthen his statement, he quoted as an example the "GMO case"⁴⁵.

According to the telephone toll records, the following contacts between Mr Silvio ZAMMIT and Ms DELFOSSE took place on that day:

Date	Starting time	Caller	Duration
18/11/11	10:57':52"	SZ	28"
18/11/11	11:20':59"	ID	32':50"

- On **12/12/2011** a meeting was organised by Ms KIMBERLEY in Malta and it was attended also by Mr GABRIELSSON and Mr OLSSON (SWEDISH MATCH). They spent the whole day presenting more in detail the snus issue for Ms KIMBERLEY's

⁴³ See the interview record with Mr GABRIELSSON on 02/06/2012, page 2-3 in previous annex 3;

⁴⁴ See the email from Ms KIMBERLEY to Mr GABRIELSSON dated 17/11/2011 - in previous annex 5;

⁴⁵ See the interview record with Ms DELFOSSE on 02/06/2012, page 3, in previous annex 1;

knowledge. Ms KIMBERLEY confirmed that she was confident to be able to personally meet Commissioner John DALLI⁴⁶.

- At the **end of December 2011** Ms KIMBERLEY informed Mr GABRIELSSON that she had arranged a meeting with Commissioner John DALLI⁴⁷.
- Consequently, on **06/01/2012** (Friday) at noon⁴⁸ a meeting in Malta was held between Ms KIMBERLEY, Mr Silvio ZAMMIT and Commissioner John DALLI.⁴⁹⁵⁰

According to the telephone toll records, in that period, the following contacts between Commissioner John DALLI – Mr Silvio ZAMMIT, and Ms KIMBERLEY – Mr Silvio ZAMMIT occurred.

Date	Starting time	Caller	Receiver	Duration
05/01/12	10:32':22"	SZ	JD	6"
05/01/12	13:04':49"	JD	SZ	45"
05/01/12	15:32':19"	JD	SZ	26"
05/01/12	15:40':17"	SZ	GK	102"
05/01/12	15:51':15"	SZ	JD	SMS
06/01/12	13:24':15"	GK	SZ	SMS
06/01/12	13:27':07"	SZ	GK	SMS
06/01/12	14:39':48"	SZ	JD	12"
08/01/12	09:45':28"	SZ	JD	122"

The telephone calls made on 05/01/2012 and on 06/01/2012 between Mr Silvio ZAMMIT and Commissioner John DALLI indicate that they had been in contact the day before the meeting of 06/01/2012, as well as on the day when this meeting took place.

Following the meeting Ms KIMBERLEY sent a report about it to both Mr OLSSON and Mr GABRIELSSON⁵¹. She mentioned that she was very satisfied with the outcome of the meeting and that she had understood that Commissioner John DALLI *"has an open mind and is in no way pre-conditioned.(omissis)..... In short they are revising the Directive and everything is on the table. The scope will be extended to cover many products. He did state that we are "breaking barriers" here – NGOs who have considered the ban a success to date will not go quietly. It*

⁴⁶ See the interview record with Mr GABRIELSSON on 02/06/2012, page 3, in previous annex 3;

⁴⁷ See the interview record with Mr GABRIELSSON on 02/06/2012, page 3, in previous annex 3;

⁴⁸ See the email from Mr KIMBERLEY to Mr GABRIELSSON – in previous annex 5;

⁴⁹ See the interview record with Ms KIMBERLEY on 14/06/2012, page 2 – in previous annex 1;

⁵⁰ From the results of the "Communication screening" it appears that Commissioner John DALLI was in Malta from 20/12/2011 to 09/01/2012 (period which includes the Christmas and New Year holidays) (See documents in previous annex 20);

⁵¹ See the email from Ms KIMBERLEY to Mr GABRIELSSON and Mr OLSSON dated 06/01/2012 – in previous annex 5;

is very political and sensitive which is why he wants a solid and robust almost fool proof foundation/basis to act. I understood he is not adverse to lifting the ban, he is not intimidated by causing a stir what matters to him is to have the grounds – scientific and others – to act, solid grounds.....(omissis).....He mulled over it for a while and told me that in order to have an objective and solid basis to act eventually the Commissioner will hold the first proper consultation with the industry in February 2012 and insured me that he will personally ensure that snus producers are represented. He told me that at that consultation, which you should be invited to, you should put forward a solid case – citing the examples I gave him today, he said, WHO etc so he has an objective, recorded information to use as basis for policy making. He basically said you should repeat what I told him today (I presume he was convinced by the arguments) and put a strong specific in particular scientific case forward to be noted on the record.(omissis)..... I think if any Commissioner has what it takes to lift the ban it's this one. He did cite his decision on GMOs to demonstrate how ready he is to take unpopular but science based and founded decisions.....(omissis)..... Meanwhile I have direct access to the Commissioner to send any emails or information we want passed on to him.....(omissis).....By no means did he give me any assurance of lifting the ban but his openness to listen and willingness to take any decision he deems necessary based on facts is very welcome.....(omissis).....".

This report on the meeting with Commissioner John DALLI which Ms KIMBERLEY sent to SWEDISH MATCH afterwards indicates that the participants in this meeting were encouraging SWEDISH MATCH for further contacts in this regard.

In an email sent from Ms KIMBERLEY to Mr GABRIELSSON and Mr OLSSON dated 06/01/2012, she wrote as follows: "ABOVE all - the meeting was CONFIDENTIAL and I was in no way representing SM just giving the objective position of snus producers and users".

- In the **middle of January 2012** Mr GABRIELSSON contacted Ms KIMBERLEY to discuss "further action". Ms KIMBERLEY told him that she would try to meet Commissioner John DALLI again⁵².
- On **01/02/2012** Ms KIMBERLEY contacted Mr GABRIELSSON in order to inform him that a new meeting with Commissioner John DALLI was scheduled on 04/02/2012 (Saturday)⁵³. This meeting was then re-scheduled on 10/02/2012 "due to the heavy snow storms in Brussels"⁵⁴.
- However, a few days before it was due to take place, on **07/02/2012** Mr Silvio ZAMMIT told Ms KIMBERLEY that she should not attend the meeting⁵⁵. Therefore, Ms KIMBERLEY prepared a note titled "Meeting with Commissioner"⁵⁶ containing five topics on the snus issue in view of providing it to Mr Silvio ZAMMIT on the same day, so that he could show it to Commissioner John DALLI. The aim was to receive from the latter the related answers on the points raised in the above note⁵⁷, as follows.

⁵² See the interview record with Mr GABRIELSSON on 02/06/2012, page 3 in previous annex 3;

⁵³ See the interview record with Mr GABRIELSSON on 02/06/2012, page 3 in previous annex 3 and email from Ms KIMBERLEY to Mr GABRIELSSON in annex 5;

⁵⁴ See the Interview record with Ms KIMBERLEY on 14/06/2012, page 2 in previous annex 1, the interview record with Mr GABRIELSSON (02/06/2012), page 3 in previous annex 3 and the email from Ms KIMBERLEY to Mr GABRIELSSON (Commissioner was stuck in Brussels) in previous annex 5;

⁵⁵ See the interview record with Ms KIMBERLEY on 14/06/2012, pages 2 and 3 in previous annex 11;

⁵⁶ See the document "Meeting with the Commissioner" in previous annex 14;

⁵⁷ See the interview record with Ms KIMBERLEY on 14/06/2012, page 3 in previous annex 11;

- "Give him very short bedside reading (3 documents)";
- "Ask him to nominate someone in his Cabinet who should contact Gayle directly for anything he/she or the Commissioner needs which is snus-related (information, documentation, argumentation etc) and who Gayle could have direct access to (to feed information etc);
- "Who are Dalli's "friends" in the Commission (which other Commissioners); who is he relying on, and in general what countries' does he have a good relation with?";
- "SM=€500 mio, 50% of which is annual profit";
- "How does he intend to proceed re the snus ban and what does he need?"

According to the properties of the file "Meeting with Commissioner" it was created and last saved at 11h:47' on 07/02/2012⁵⁸. The information for the questions and the factsheet notes ("bedside readings") came from Mr GABRIELSSON.

On the same day Ms KIMBERLEY and Mr Silvio ZAMMIT exchanged the following SMSs:

Date	Starting time	Sender
07/02/12	13:41':01"	GK
07/02/12	13:42':53"	SZ

- On **10/02/2012** (Friday) a meeting in Malta between Commissioner John DALLI and Mr Silvio ZAMMIT took place⁵⁹.

In his letter to OLAF dated 24/07/2012 Commissioner John DALLI stated that he met Mr Silvio ZAMMIT on 10/02/2012 in Malta⁶⁰.

From the telephone call records it appears that at 10h:18' Mr Silvio ZAMMIT called Commissioner John DALLI and they spoke for 25".

At 11h:11' Mr Silvio ZAMMIT called Ms KIMBERLEY and they met at his restaurant. He provided back to Ms KIMBERLEY the printed note ("Meeting with Commissioner"), containing hand-written notes related to some of the points containing her questions to Commissioner John DALLI⁶¹. These were the following:

- "Who are Dalli's "friends" in the Commission (which other Commissioners); who is he relying on, and in general what countries' does he have a good relation with?"; - hand-written remark "France" put next to this sentence.

⁵⁸ Interview record with Ms KIMBERLEY (14/06/2012), page 5 in previous annex 11;

⁵⁹ In his interview with OLAF on 17/09/2012, Commissioner John DALLI confirmed that he met Silvio ZAMMIT in Malta on the 10/02/2012. See page 3 of the document in previous annex 8;

⁶⁰ See the letter from Commissioner John DALLI, in previous annex 18;

⁶¹ As it was acknowledged by Mr Silvio ZAMMIT (see the interview record with Mr Silvio ZAMMIT on 04/07/2012), page 5, in previous annex 9, it was he who had written the notes, even if he tried to make it appear that they were not at all related to the specific context ("I am used to scribble down notes on any paper which I have in my car");

- "SM=€500 mio, 50% of which is annual profit"; - hand-written remark "S" put next to this sentence.
- "How does he intend to proceed re the snus ban and what does he need?" - two hand-written remarks put next to this sentence: "Suggest to no ban" and "Ready to meet Chief Executive".

At this moment Mr Silvio ZAMMIT mentioned to Ms KIMBERLEY that there will be a "six zeros" cost to lift the ban⁶².

This sequence of events leads to the conclusion that Mr Silvio ZAMMIT indeed discussed with Commissioner John DALLI the above issues.

A few minutes later Ms KIMBERLEY called Mr GABRIELSSON by phone. Ms KIMBERLEY, who, at that moment, was reportedly in front of Mr Silvio ZAMMIT, pretended that she had also been present to the meeting with Commissioner John DALLI.

According with Mr Gabrielsson's account of events: *"She sounded a little agitated and upset. She told me that we should have met. I then asked her if there was good or bad news and she replied that it was up to me to judge it. She asked **who in SWEDISH MATCH was able to make a financial commitment**"*⁶³.

She did not inform Mr GABRIELSSON that all the information she had got in relation to the meeting had been obtained through Mr Silvio ZAMMIT.

Some of the hand-written remarks appearing on the note "Meeting with Commissioner" correspond to aspects from the suggested arrangements for the alleged bribe request as described by the witnesses.

In particular, this is valid in relation to the following hand-written notes:

- "Ready to meet the Chief Executive" which corresponds with the suggested high level meeting between the CEO of SWEDISH MATCH and Commissioner John DALLI "anywhere in the world" as per the telephone conversation of 29/03/2012⁶⁴ and the witness statements of Mr GABRIELSSON⁶⁵;
- "Suggest to no ban" that it is an indication clearly compatible with the issue at stake.

It has to be noted that during his interview as a person concerned on 04/07/2012, Mr Silvio ZAMMIT admitted that the handwritten notes had been made by himself, even if he stated that these were meaningless scribbles on a piece of paper he had had at hand⁶⁶.

In this regard, the above-mentioned explanation by Mr Silvio ZAMMIT cannot be considered credible as the nature of the answers written on the note logically originates from someone possessing an inside knowledge of the matter, as is Commissioner John DALLI.

⁶² Interview record with Ms KIMBERLEY on 14/06/2012, page 3 in previous annex 11;

⁶³ See interview record with Mr GABRIELSSON on 02/06/2012, page 4, in previous annex 3 and note to the file on the OLAF meeting with Mr GABRIELSSON on 19/09/2012, page 2 in previous annex 5;

⁶⁴ See annex "Transcription of telephone call" pages 1 and 2 in previous annex 16;

⁶⁵ Interview record with Mr GABRIELSSON on 02/06/2012, page 4, in previous annex 3;

⁶⁶ See the interview record with Mr Silvio ZAMMIT page 5, in previous annex 9

Handwritten signature and initials, possibly 'J. Dalli' and 'MS', located in the bottom right corner of the page.

The following telephone calls and SMSs were exchanged between Ms KIMBERLEY and Mr Silvio ZAMMIT on that day and on the following day:

Date	Starting time	Caller	Duration
10/02/12	11:11':43"	SZ	213"
10/02/12	13:13':02"	GK	40"
10/02/12	16:01':12"	GK	155"
11/02/12	From 19 to 20h.	SZ	19 SMS

- On **12/02/2012**, upon instruction from his supervisor Mr HILDINGSSON, Mr GABRIELSSON went alone to Malta⁶⁷.

The following relevant telephone call was exchanged between Ms KIMBERLEY and Mr Silvio ZAMMIT on this day:

Date	Starting time	Caller	Duration
12/02/12	12:41':35"	GK	327"

- On **13/02/2012**, in the morning, Mr GABRIELSSON met Ms KIMBERLEY at Mr Silvio ZAMMIT's restaurant (i.e. PEPPi's KIOSK)⁶⁸.

Ms KIMBERLEY, who was initially alone at the restaurant, reportedly kept up the pretence with Mr GABRIELSSON that on 10/02/2012 she had actually met Commissioner John DALLI herself, and briefed Mr GABRIELSSON about the meeting by showing him the document with the hand-written answers. In that regard she also added the following:

- Mr Silvio ZAMMIT had also participated in the meeting;
- She had had the impression that Commissioner John DALLI was better informed on the snus issue than the previous meeting and thus had studied the issue;
- Commissioner John DALLI was aware of all the positive arguments and understood the absurdity of having the list of tobacco products excluded from the internal market;
- After having received the answers, she had been requested to leave the room and that *"the Commissioner nominated for contacts with him only Silvio"*;
- Mr Silvio ZAMMIT had then told her that the operation was *"no longer a cause and that there was a price for pushing further"*;

⁶⁷ See the interview record with Mr GABRIELSSON on 02/06/2012, page 3, in previous annex 3 and the interview record with Mr HILDINGSSON on 02/06/2012, page 2 in previous annex 4;

⁶⁸ See the interview record with Ms KIMBERLEY on 14/06/2012, page 4 in previous annex 11 and, in relation to the first three assertions, the interview record with Mr GABRIELSSON on 02/06/2012, page 4 in previous annex 3;

According to Mr GABRIELSSON, her understanding was that the money was destined to Commissioner John DALLI⁶⁹.

Mr Silvio ZAMMIT, who in the meantime had arrived at his restaurant, then joined Ms KIMBERLEY and Mr GABRIELSSON. Mr Silvio ZAMMIT repeated more or less the same things as Ms KIMBERLEY and added that the Commissioner had obtained enough arguments for obtaining support within the European Commission on the snus issue. He also indicated that the *"operation would have had a cost"* and suggested to Mr GABRIELSSON the following deal: **€60 million to be paid to Commissioner John DALLI**. To this end, the CEO of SWEDISH MATCH and the Commissioner would meet *"anywhere in the world"*⁷⁰.

Mr GABRIELSSON replied that he was not in a position to negotiate or to take any decision about that and added that he would deliver the message to his superiors. He also expressed his personal opinion that this would never be accepted⁷¹.

- On the afternoon of **13/02/2012** Mr GABRIELSSON informed Mr HILDINGSSON on the phone about the content of the discussion⁷².

Mr GABRIELSSON was in due course instructed by Mr HILDINGSSON to *"stop any contact"* with Mr Silvio ZAMMIT⁷³.

The following relevant telephone calls were exchanged between Ms KIMBERLEY and Mr Silvio ZAMMIT on this day:

Date	Starting time	Caller	Duration
13/02/12	10:54':48"	GK	96"
13/02/12	13:40':36"	GK	SMS
13/02/12	15:55':16"	GK	183"
13/02/12	17:10':22"	SZ	553"

- On **18/02/2012** Mr Silvio ZAMMIT sent an email to ESTOC (to the email address of Mr HAMMARGREN, the former Chairman of ESTOC)⁷⁴. He wrote that *"I have something very interesting to talk to you about"*.
- On **20/02/2012** Ms DELFOSSE called Mr Silvio ZAMMIT back to find out what was the *"very interesting"* issue that he had referred to in his email. Mr Silvio ZAMMIT hinted that he could do things for ESTOC in return for payment⁷⁵.

⁶⁹ See the interview record with Mr GABRIELSSON on 02/06/2012, page 4, in previous annex 3;

⁷⁰ See the interview record with Ms KIMBERLEY on 14/06/2012, page 4, in previous annex 11 and the interview record with Mr GABRIELSSON on 02/06/2012, page 4 in previous annex 3;

⁷¹ See the interview record with Ms KIMBERLEY on 14/06/2012, page 5, in previous annex 11 and the interview record with Mr GABRIELSSON on 02/06/2012, page 5 in previous annex 3;

⁷² See the interview record with Mr GABRIELSSON on 02/06/2012, page 5, in previous annex 3;

⁷³ See the interview record with Mr GABRIELSSON on 02/06/2012, page 5, in previous annex 3;

⁷⁴ See the emails sent by Mr Silvio ZAMMIT to ESTOC in February and March 2012 in previous annex 1 among the emails annexed to Ms. DELFOSSE's interview record;

⁷⁵ See the interview record with Ms DELFOSSE on 02/06/2012, page 3, in previous annex 1;

The record of the telephone call tolls showed that two telephone calls took place between Mr Silvio ZAMMIT and Ms DELFOSSE on 20/02/2012 as follows:

Date	Starting time	Caller	Duration ⁷⁶
20/02/12	12:10':22"	SZ	28"
20/02/12	13:06':38"	ID	850"

- On **21/02/2012**, and following instruction from his hierarchy, Mr GABRIELSSON contacted Ms KIMBERLEY and passed on the message that SWEDISH MATCH had declined to pay for the proposed deal⁷⁶.
- On Friday **24/02/2012** at 16h:06' Mr Silvio ZAMMIT spoke on the phone during 2 minutes with Commissioner John DALLI.
- On **07/03/2012** Ms DELFOSSE participated in an official meeting which was attended a.o. by Commissioner John DALLI and representatives of the tobacco industry. On this meeting she mentioned a report from DG SANCO which "*quotes science stating that snus-like products are 90% less harmful than smoking*". Commissioner John DALLI requested her to send him this information by 14/03/2012⁷⁷.
- On **08/03/2012** Mr Silvio ZAMMIT sent an email to Ms DELFOSSE and ESTOC proposing to provide services, including a meeting with Commissioner John DALLI. The text of the proposal was almost the same as the one sent by Ms KIMBERLEY to SWEDISH MATCH in November 2011. In addition, Mr Silvio ZAMMIT sent by email the profile of the company YOU ROCK Ltd. as part of his services proposal⁷⁸.

10 SMS and 2 telephone calls are registered between Mr Silvio ZAMMIT and Ms KIMBERLEY between **07/03/2012** and **08/03/2012**.

- On **12/03/2012** the following telephone call took place between Commissioner John DALLI and Mr Silvio ZAMMIT:

Date	Starting time	Caller	Duration
12/03/12	13:30':55"	JD	263"

- On 14/03/2012 Ms DELFOSSE (ESTOC) sent a letter to Commissioner DALLI containing a selection of scientific quotations and arguments in support of the request for lifting the ban on snus products. This was as a follow-up to the official meeting held on 07/03/2012 with the tobacco producers⁷⁹;

⁷⁶ See the interview record with Mr GABRIELSSON on 02/06/2012, page 5 in previous annex 3;

⁷⁷ See the interview record with Ms DELFOSSE on 02/06/2012, page 3, in previous annex 1;

⁷⁸ See the emails sent by Mr Silvio ZAMMIT to ESTOC in February and March 2012 in previous annex 1 among the emails annexed to Ms. DELFOSSE's interview record;

⁷⁹ See the ESTOC letter in previous annex 17;

- On **15/03/2012** SWEDISH MATCH informed Ms DELFOSSE to be careful with Mr Silvio ZAMMIT and about the alleged bribe request he had made to them⁸⁰.

On the same day, Ms DELFOSSE sent an email to Mr Silvio ZAMMIT at 13h:55':27" asking him to specify his offer for services⁸¹. At 16h:51' Mr Silvio ZAMMIT called Ms KIMBERLEY and spoke for 9 minutes.

Mr Silvio ZAMMIT sent an email to Ms DELFOSSE in response to her email above, at 23h:12' specifying that the offer of services he made to ESTOC was done on his own *"alone and personally"*⁸².

- On **16/03/2012** Ms DELFOSSE sent an email at 10h:12':48" to Mr Silvio ZAMMIT and asked him to organise a meeting with Commissioner John DALLI, in order to discuss the *"bad rumours, flying around Brussels"*. Ms DELFOSSE finishes this email with the words *"Let's talk"*.

At 11h:42' Mr Silvio ZAMMIT phoned Ms DELFOSSE and spoke for 18 minutes. Later on the same day at 14h:29' he received a call from Ms KIMBERLEY and spoke for 5 minutes. At 16h:03' Mr Silvio ZAMMIT called Commissioner John DALLI and talked for around 3 minutes.

- On **29/03/2012** Mr Silvio ZAMMIT called Ms KIMBERLEY at 11h:34' and they talked for 9 minutes.

At 14h:44':08" Ms DELFOSSE called Mr Silvio ZAMMIT. During 5 minutes (308") of discussion Ms DELFOSSE asked whether it would be possible to meet Commissioner John DALLI. Mr Silvio ZAMMIT replied in the positive but added that *"a change in the proposal will cost you"*⁸³.

When Ms DELFOSSE asked him what he meant by that, he stopped the telephone conversation and promised to call her back⁸⁴.

Immediately after finishing the first call with Ms DELFOSSE, Mr Silvio ZAMMIT called Ms KIMBERLEY two times for approximately 6 minutes, following which he called Commissioner John DALLI for 8 seconds. Then, a new telephone call between Mr Silvio ZAMMIT and Ms KIMBERLEY (approximate duration 4 minutes) took place.

The outlined situation is resumed in more detail in the table below:

⁸⁰ See the interview record with Ms DELFOSSE on 02/06/2012, page 4 in previous annex 1;

⁸¹ See the emails sent by Mr Silvio ZAMMIT to ESTOC in February and March 2012 in previous annex 1 among the emails annexed to Ms. DELFOSSE's interview record;

⁸² See the emails sent by Mr Silvio ZAMMIT to ESTOC in February and March 2012 in previous annex 1 among the emails annexed to Ms. DELFOSSE's interview record;

⁸³ See the interview record with Ms DELFOSSE on 02/06/2012, page 4, in previous annex 1;

⁸⁴ See the interview record with Ms DELFOSSE on 02/06/2012, page 4, in previous annex 1;

[Handwritten signatures and initials]

Date	Starting time	Caller	Duration	Receiver
29/03/12	14:49':50"	SZ	0"	Ms KIMBERLEY
29/03/12	14:50':08"	SZ	27"	Mr GALEA (Lotteries and Gaming Authority, Malta)
29/03/12	14:50':48"	SZ	331"	Ms KIMBERLEY
29/03/12	14:56':44"	SZ	8"	Commissioner John DALLI
29/03/12	14:57':11"	SZ	232"	Ms KIMBERLEY

Approximately 30 minutes later (i.e. at 15h:18':51") Mr Silvio ZAMMIT called Ms DELFOSSE back and this second phone call lasted in 661" (i.e. about 11'). This time Ms DELFOSSE recorded the call and it contains Mr Silvio ZAMMIT's request for €10 million to be paid for organising a meeting "*between my boss and your boss*" as a first step to obtaining a proposal for the lift of the ban on snus. The suggestion by Mr Silvio ZAMMIT was that such a meeting could be organised "*anywhere in the world*" depending on ESTOC's preference of the place. Ms DELFOSSE replied that she could not take any position on this, but that she would report the proposal to the members of the Board of ESTOC⁸⁵.

This indicates that the second (the taped) telephone call refers to their talk about Commissioner John DALLI. In addition, the telephone call followed the email sent by Ms DELFOSSE to Mr Silvio ZAMMIT on 16/03/2012 where she had asked "*would it be possible to have informal meeting with DALLI in Brussels and how much would you charge for that?*"⁸⁶.

The following information extracted from this recorded conversation should be underlined:

- In this phone call, Ms DELFOSSE mentions "*John*"⁸⁷ twice;
- Mr Silvio ZAMMIT mentions "*high level meetings*"⁸⁸ and in that context he made reference to the people who should have met as "*my boss and your boss*"⁸⁹;
- Mr Silvio ZAMMIT refers to both himself and someone else by saying: "*tell us where you want to do it*"⁹⁰;
- Mr Silvio ZAMMIT states "*when you have a **high person** who works in favour of it, he's risking*"⁹¹;
- Furthermore, with regard to the payment request, Mr Silvio ZAMMIT says that "*this is the price **he's** asking*"⁹².

⁸⁵ See the "Transcription of telephone call" in annex 16;

⁸⁶ See "Email" dated 16/03/2012 in previous annex 1, among the emails annexed to Ms. DELFOSSE's interview record;

⁸⁷ See the "Transcription of telephone call", page 3 and 4, in previous annex 1;

⁸⁸ See the "Transcription of telephone call", page 1, in previous annex 1;

⁸⁹ See the "Transcription of telephone call", page 1, in previous annex 1;

⁹⁰ See the "Transcription of telephone call", page 2, in previous annex 1;

⁹¹ See the "Transcription of telephone call", page 3, in previous annex 1;

These five excerpts from the telephone call recorded by Ms DELFOSSE are in contradiction with the position that Mr Silvio ZAMMIT maintained during his interview as a person concerned when he stated that he was acting on his own.

After having finished this conversation, Mr Silvio ZAMMIT made or received further telephone calls. In particular he spoke to Ms KIMBERLEY for more than 25 minutes from 15h:34'.

Date	Starting time	Caller	Duration
29/03/12	15:34':14"	SZ	1"
29/03/12	15:34':45"	GK	25':15"

One hour and forty minutes after the second telephone call between Mr Silvio ZAMMIT and Ms DELFOSSE, Commissioner John DALLI called Mr Silvio ZAMMIT twice, as follows:

Date	Starting time	Caller	Duration
29/03/12	17:10':22"	JD	15"
29/03/12	17:11':55"	JD	26"

- At the **end of March 2012** (around 29/03/2012), Mr GABRIELSSON called Ms KIMBERLEY to know if she thought that the negative evolution of DG SANCO's opinion on the ban might be linked to the refusal of the proposal. Ms KIMBERLEY answered that she had not had any further contact with Mr Silvio ZAMMIT after she had informed him about the position of SWEDISH MATCH⁹³.
- On **21/05/2012** SWEDISH MATCH informed the Secretary General of the European Commission in writing about the allegations concerning Commissioner John DALLI.
- On **14/06/2012** OLAF interviewed Ms KIMBERLEY in Troia, Portugal⁹⁴.
- Ms KIMBERLEY was supposed to remain in Troia also on **15/06/2012 (Friday)** due to her participation in an official event related to her work.

The following telephone call was exchanged between Mr Silvio ZAMMIT and Ms KIMBERLEY after her return to Malta:

⁹² See the "Transcription of telephone call", page 5, in previous annex 1

⁹³ See the interview record with Mr GABRIELSSON on 02/06/2012, page 5, in previous annex 3;

⁹⁴ See the interview record with Ms KIMBERLEY on 14/06/2012, page 2 in previous annex 11, which was at a later stage confirmed in her statement as a person concerned, as per the documents in previous annex 12 and 13;

Date	Starting time	Caller	Duration
17/06/12	12:14':18"	SZ	446"

On the same date and before this call, Mr Silvio ZAMMIT had called the Commissioner as follows:

Date	Starting time	Caller	Duration
17/06/12	12:05':55"	SZ	23"

- The next day (**18/06/2012**) Mr Silvio ZAMMIT and Commissioner John DALLI spoke for 3 minutes:

Date	Starting time	Caller	Duration
18/06/12	10:23':07"	SZ	17"
18/06/12	11:46':38"	SZ	194"

On the basis of the above, it could be considered that 16/06/2012 or 17/06/2012 might be the first dates when the interested parties exchanged information about the existence and the subject of OLAF's investigation.

It should be mentioned that the last contact Mr Silvio ZAMMIT and Commissioner John DALLI had before these phone calls was on 13/04/2012.

- On **04/07/2012** and on **05/07/2012** OLAF performed an on-the-spot check in Malta at the premises of the company PEPPi's Kiosk owned by Mr Silvio ZAMMIT, as well as an interview with him as a person concerned. The interview on 05/07/2012 finished at 12h:45⁹⁵.
- On **05/07/2012** Mr Silvio ZAMMIT tried to call Ms KIMBERLEY at 14h:32':

Date	Starting time	Caller	Duration
05/07/12	14:32':54"	SZ	0"

- On **06/07/2012** the following telephone call was exchanged between Commissioner John DALLI and Mr Silvio ZAMMIT:

⁹⁵ See the interview record with Mr Silvio ZAMMIT page 5, in previous annex 10;

Date	Starting time	Caller	Duration
06/07/12	18:07':14"	JD	14':13"

It is not realistic to believe that they did not talk about the matter under investigation and OLAF's latest intervention. Nevertheless, despite this evidence, on 16/07/2012 Commissioner John DALLI stated during his interview as a person concerned that he had not been informed about OLAF's investigation until 11/07/2012 when the Director-General of OLAF gave him the notification letter as "person concerned".

In this regard, it is worth recalling that, according to the available telephone data, the last previous telephone contact between Commissioner John DALLI and Mr Silvio ZAMMIT (prior to 06/07/12) was on 18/06/2012.

3.2. OTHER EVIDENCE

3.2.1. The close links between Commissioner John DALLI and Mr Silvio ZAMMIT

- Commissioner John DALLI and Mr Silvio ZAMMIT have very long-standing links. They both belong to the same Maltese political party and Mr Silvio ZAMMIT carried out relevant activities in promoting Commissioner John DALLI's electoral campaign. They still meet, at least when Commissioner John DALLI goes back to Malta. This is supported by the interview with Ms KIMBERLEY⁹⁶ and by the interviews with Mr Silvio ZAMMIT⁹⁷ who describes himself as "*a friend and a family*"⁹⁸ of Commissioner John DALLI. These close links were also confirmed by Commissioner John DALLI in his interview as a person concerned on 16/07/2012⁹⁹.
- Despite the snus issue being a confidential matter from Commissioner John DALLI's portfolio, he and Mr Silvio ZAMMIT were also linked with regard to this topic, which is illustrated by the meetings they had together on that subject. In particular, at least the following ones:
 - the first meeting was held on **20/08/2010** in Malta. Following a request by ESTOC, in agreement with BAT Malta (British American Tobacco), Mr Silvio ZAMMIT organised a meeting which, from ESTOC's perspective, was aimed at establishing a dialogue with Commissioner John DALLI concerning snus/smokeless tobacco¹⁰⁰. The meeting was initially attended by the Commissioner himself, Mr Silvio ZAMMIT, Mr SALIBA, Head of Trade of BAT Malta¹⁰¹, and Mr HAMMARGREN (at that time chairman of ESTOC). After the meeting, the latter then prepared a report for ESTOC's records¹⁰².
 - the second meeting on **06/01/2012** in Malta which was attended also by Ms KIMBERLEY. The conduct of this meeting was confirmed by Ms KIMBERLEY in

⁹⁶ See the interview record with Ms KIMBERLEY on 14/06/2012 page 2, in annex 11;

⁹⁷ See the interviews record with Mr Silvio ZAMMIT on 04/07/2012, page 3, in previous annex 9 and on 05/07/2012, page 3 in previous annex 10;

⁹⁸ See the interview record with Mr Silvio ZAMMIT on 04/07/2012, page 3, in previous annex 9;

⁹⁹ See the interview record with Commissioner John DALLI, pages 2 and 3, in previous annex 7;

¹⁰⁰ See the interview record with Mr Silvio ZAMMIT on 04/07/2012, page 3, in previous annex 9;

¹⁰¹ And/or Mr BAJADA from BAT Malta;

¹⁰² Report "Meeting Review & Report" in previous annex 1, among the documents annexed to Ms. DELFOSSE's interview record;

her interview on 14/06/2012¹⁰³. Without specifying the date and the name of Ms KIMBERLEY, Commissioner John DALLI also confirmed to have met "a young Maltese female lawyer" who had posed him questions on snus¹⁰⁴. Also without specifying the dates, Mr Silvio ZAMMIT stated in his interview as a person concerned that he had met with Commissioner John DALLI on the snus issues "in two different occasions"¹⁰⁵. From the results of the communications' screening it appears that Commissioner John DALLI was in Malta from 20/12/2011 to 09/01/2012 (period which includes the Christmas and New Year's holidays). This information confirms that Commissioner John DALLI was in Malta when Ms KIMBERLEY and Mr Silvio ZAMMIT supposedly met him there for the first meeting on the snus ban issue (06/01/2012)¹⁰⁶.

➤ a third meeting occurred on **10/02/2012** in Malta, as testified by the note that Ms KIMBERLEY prepared for Mr Silvio ZAMMIT in order to allow him submitting appropriate questions to Commissioner John DALLI¹⁰⁷. In this regard it should be clarified that Ms KIMBERLEY did not participate at all in that meeting and the properties of the file of this note created and existing on her computer strongly support that the circumstance is true. Mr Silvio ZAMMIT gave her back the note after his meeting with Commissioner John DALLI¹⁰⁸. Mr Silvio ZAMMIT confirmed that the hand-written remarks on the note were made by him. However, he denied that the remarks might have any link with the snus discussions. In that regard he told that they were meaningless notes written at random when he was in his car. In his interview Mr Silvio ZAMMIT did not rule out having met with Commissioner John DALLI on that date¹⁰⁹. From the results of the communications' screening it appears that Commissioner John DALLI was in Malta from 09/02/2012 to 12/02/2012; this information confirms that Commissioner John DALLI was in Malta when Mr Silvio ZAMMIT supposedly met him there for the second time in order to discuss again the snus ban issue (10/02/2012)¹¹⁰. As a further confirmation of Commissioner John DALLI's presence in Malta at that time, Commissioner John DALLI also made a TV appearance (10/02/2012)¹¹¹ and participated in a high-level social event (09/02/2012)¹¹². It must also be noted that, in a letter Commissioner John DALLI sent to OLAF on 24/07/2012 and in his second interview conducted on 17/09/2012, he admitted having met Mr Silvio ZAMMIT in his own private office on 10/02/2012, even if he denied either having discussed the snus issue or having planned to attend such a meeting¹¹³.

- Mr Silvio ZAMMIT appears to have easy access to Commissioner John DALLI's Cabinet and he is engaged in liaising for establishing contacts and/or organising meetings between Commissioner John DALLI and other stakeholders. This is

¹⁰³ See the interview record with Ms KIMBERLEY on 14/06/2012, page 2 in previous annex 11 which was at a later stage confirmed by her statement as a person concerned on 07/09/2012 (see the document in previous annex 12) and on 15/09/2012 (see the document in previous annex 13);

¹⁰⁴ See the Interview record with Commissioner John DALLI on 16/07/2012, pages 2 and 3, in previous annex 7;

¹⁰⁵ See the interview record with Mr Silvio ZAMMIT on 04/07/2012, page 3, in previous annex 9;

¹⁰⁶ See the documents related to the "Communication screening" in previous annex 20;

¹⁰⁷ See the document "Meeting with Commissioner" in previous annex 14;

¹⁰⁸ See the document "Meeting with Commissioner" with handwritten notes in previous annex 15;

¹⁰⁹ See the interview record with Mr Silvio ZAMMIT on 04/07/2012, pages 5 and 6, in previous annex 9;

¹¹⁰ See the documents related to the "Communication screening" in previous annex 20;

¹¹¹ See the documents related to the "Communication screening" in previous annex 20;

¹¹² See the documents related to the "Communication screening" in previous annex 20;

¹¹³ See the interview record with Commissioner John DALLI on 17/09/2012, page 3 in previous annex 8 and the letter he sent to OLAF on 24/07/2012, in previous annex 18;

confirmed by the results of the communication screening¹¹⁴ and by Mr Silvio ZAMMIT in his interview as a person concerned¹¹⁵. In particular, the following email correspondence between Mr Silvio ZAMMIT and Mr Frank ZAMMIT (Commissioner John DALLI's assistant) exchanged during the period 06/01/2012-10/01/2012 confirms the circumstance:

- On **06/01/2012** and on **10/01/2012** Mr Silvio ZAMMIT coordinated through Mr Frank ZAMMIT the scheduling of a meeting on the topic of cardiovascular disease. According to an email request for briefing created in the TSAR application (09/01/2012) this meeting was supposed to take place in Malta on Friday 13/01/2012 with the participation of Commissioner John DALLI¹¹⁶;
- An email addressed to Mr Frank ZAMMIT from the secretary of the Head of the Cabinet of Commissioner John DALLI in the process of preparing this meeting refers to "*Silvio*", who was expected to provide the names of the participants to Mr Frank ZAMMIT¹¹⁷;
- Indeed, on 10/02/2012 Mr Silvio ZAMMIT sent by email to Mr Frank ZAMMIT these participants' names¹¹⁸.

3.2.2. How the witnesses have understood the offers

The available information indicates that the name of Commissioner John DALLI was used in the context of the offer made to SWEDISH MATCH and ESTOC:

- Mr GABRIELSSON stated during his interview and his statement provided to OLAF on 19/09/2012:
 - *"It was understood by both Gayle and myself that Mr. Silvio Zammit was one of the options to arrive to the Commissioner"*¹¹⁹;
 - *"Mr. ZAMMIT told that the operation would have had a cost. At that stage he told that the amount to be paid to the Commissioner DALLI was of €60 Million. In that regard he told that the CEO or who has the possibility should meet personally DALLI anywhere in the world decided by Swedish Match. In this meeting DALLI would explain in details how he would proceed to make snus available"*¹²⁰;
 - On 13/02/2012 during a meeting between Mr GABRIELSSON and Ms KIMBERLEY, she mentioned what Mr Silvio ZAMMIT had told her and made reference to the fact that *"the operation would have a negative political impact on the career of the Commissioner and would be costly"*¹²¹;

¹¹⁴ See the documents related to the "Communication screening" in previous annex 20;

¹¹⁵ See the interview record with Mr Silvio ZAMMIT on 05/07/2012, page 3, in previous annex 10;

¹¹⁶ See the documents related to the "Communication screening" in previous annex 20;

¹¹⁷ See the documents related to the "Communication screening" in previous annex 20;

¹¹⁸ See the documents related to the "Communication screening" in previous annex 20;

¹¹⁹ See the interview record with Mr GABRIELSSON on 02/06/2012, page 3, in previous annex 3;

¹²⁰ See the interview record with Mr GABRIELSSON on 02/06/2012, page 4, in previous annex 3;

¹²¹ See the interview record with Mr GABRIELSSON on 02/06/2012, page 4, in previous annex 3;

- *"It was obvious and at the time there was no doubt about it, that the money to be paid by SWEDISH MATCH was supposed to go to Commissioner John DALLI"*¹²².
- During her witness interview Ms DELFOSSE stated the following:

In the first telephone call with Mr Silvio ZAMMIT on 29/03/2012 she asked him if it would be possible to meet with Commissioner John DALLI. According to her witness statement, Mr Silvio ZAMMIT replied that it would be possible but that *"a change in the proposal will cost you"*. To that Ms DELFOSSE asked exactly what he meant *"and he said he would get back to me in 10 minutes"*¹²³.

3.2.3. The contradictions made by Commissioner John DALLI during his interviews as a person concerned, as well as in the letter dated 24/07/2012

- Related to the meeting on the 10/02/2012
 - During his interview on 16/07/2012 Commissioner John DALLI denied to have met Mr Silvio ZAMMIT on 10/02/2012¹²⁴.

In this regard, however there are contradictions between his statement and the statement of Mr Silvio ZAMMIT who does not reject the possibility that the two of them could have met on that day¹²⁵.

On 24/07/2012 Commissioner John DALLI provided OLAF with a letter in which he admitted having met Mr Silvio ZAMMIT on 10/02/2012 even if he denied that the snus issue had been raised during the meeting¹²⁶.

During his interview on 17/09/2012 Commissioner John DALLI finally confirmed to have met Mr Silvio ZAMMIT on 10/02/2012¹²⁷.

- On 24/07/2012 Commissioner John DALLI provided OLAF with a letter in which the following was pointed out¹²⁸:

⇒ On 04/02/2012 *"I was abroad on a planned personal trip and therefore I could not have made any appointments in Malta on that date";*

⇒ On 10/02/2012, *"even though it was a public holiday, I met a number of people. One of the meetings was with Silvio ZAMMIT. It must be the time he informed me that he was accepted as a candidate for the local elections on behalf of the Nationalist Party, and asked me to help get support for constituents in his area. He did not mention the snus issue since(omissis) the subject was never again raised between us after the meeting of the 6th January. In fact I do not have any record of meeting Mr. ZAMMIT since the 10th February although we could have meet each other in public";*

¹²² See the note to the file on the OLAF meeting with Mr GABRIELSSON on 19/09/2012, page 3 in previous annex 5;

¹²³ See the interview record with Ms DELFOSSE on 02/06/2012, page 4, in previous annex 1;

¹²⁴ See the interview record with Commissioner John DALLI on 16/07/2012, pages 3 and 4 in previous annex 7;

¹²⁵ See the interview record with Mr. Silvio ZAMMIT on 04/07/2012, page 5, in previous annex 9;

¹²⁶ See the letter from Commissioner John DALLI, in previous annex 18;

¹²⁷ See the interview record with Commissioner John DALLI on 17/09/2012, page 3, in previous annex 8;

¹²⁸ See the letter from Commissioner John DALLI, in previous annex 18;

- In his second interview with OLAF as a person concerned conducted on 17/09/2012 Commissioner John DALLI explained that he was not planning to go to Malta during the period when the meeting of 10 February 2012 took place. He stated that he went there only due to a political crisis and upon the request of the Prime Minister with whom he had a meeting on 11/02/2012¹²⁹.

This is in contradiction with the information received through the communications' screening which indicates that the journey to Malta at this moment was inserted in Commissioner John DALLI's mailbox calendar already on 16/01/2012¹³⁰.

The political crisis in Malta sparked off at the beginning of January 2012 (07/01/2012). Since that day, Commissioner John DALLI was in Malta at least on the following dates: from 13/01/2012 to 16/01/2012 and from 21/01/2012 to 22/01/2012.

- Related to the information about OLAF's investigation

During his interview on 16/07/2012, Commissioner John DALLI denied having been informed by anybody about OLAF's investigation until 11/07/2012 when the Director General of OLAF informed him about his status of "person concerned".

In his letter of 24/07/2012 to the Director General of OLAF he stated:

*".....(omissis) Yesterday I met with Silvio ZAMMIT to understand what had happened. I was told about the communication that was exchanged between himself and the snus people. **I again declare that I have had no inkling that this communication was taking place until my meeting with you on 16th July**";*

"I also learned that these people had offered Mr. ZAMMIT money for him to arrange a meeting with me. Something he never communicated to me. I consider this as very serious as it is obvious entrapment trying to establish improper link between me and Mr. ZAMMIT".

It has to be noted that Commissioner John DALLI did not make reference to the telephone call he received from Mr Silvio ZAMMIT on 06/07/2012 at 18h:07':52" (duration 853") during which it is reasonable to think that he had been informed in details about the OLAF investigation, its scope and the background situations. This happened before 11/07/2012 when he was notified of being a person concerned by the OLAF investigation and, of course, before the interview he underwent on 16/07/2012. It can consequently be concluded that information provided by Commissioner John DALLI to OLAF has not always faithfully reflected the facts.

3.2.4. The comments that Mr Silvio ZAMMIT provided during his interview as a person concerned

During his interview, Mr Silvio ZAMMIT was not able to provide any credible explanations of the facts presented to him by OLAF.

There were a lot of denials and inconsistencies when Mr Silvio ZAMMIT answered questions referring to his words for "his boss" and the related meetings with "his boss"/"high level meetings", as well as concerning "the price he's asking"¹³¹. In concrete terms, at a certain point he refused to provide any explanations.

¹²⁹ See the interview record with Commissioner John DALLI on 17/09/2012, page 3, in previous annex 8;

¹³⁰ See the documents related to the "Communication screening" in previous annex 20;

¹³¹ See annex "Transcription of telephone call" page 1, 2 and 5

Anyway, the actual context could be interpreted in connection with the following circumstances:

- Mr Silvio ZAMMIT's statements in the telephone call of 29/03/2012 with Ms DELFOSSE: *"Don't mention the guy"/"I will not mention the guy"*¹³².
- Ms KIMBERLEY's statement in her witness interview on 14/06/2012 explained that *"Silvio also told me not to mention anything about the Commissioner and to say that this was he, Silvio, speaking"*¹³³.

Further to that, Mr Silvio ZAMMIT provided the following comments¹³⁴:

- He knows Commissioner John DALLI very well;
- He had met Commissioner John DALLI on the snus issue on at least two different occasions;
- He had participated in a meeting with Commissioner John DALLI together with Ms KIMBERLEY in the offices of the Commissioner;
- He confirmed having asked ESTOC to pay € 10 Million; however he claimed that this was to be the price for his own consultancy services;
- He confirms that it was his handwriting on the note entitled "Meeting with Commissioner" but that the comments put there did not have anything to do with the snus issue.

3.2.5. The comments that Ms KIMBERLEY provided during her interviews as a person concerned

Ms KIMBERLEY confirmed the content of her previous interview with OLAF as a witness, subject to several clarifications on specific parts in the sense that she either did not have direct impressions from the issues under investigation, or that her understanding of the situation was a matter of speculation;

In particular, she did not modify the following statements from her interview as a witness on 14/06/2012:

- *"Silvio was telling me things that were obviously coming from the Commissioner";*
- *"Therefore, in order to get the Commissioner to propose a lifting of the ban, the moment would be "now or never" as the Commissioner has a limited political life, and would not have a further term";*
- *"Silvio said that it was up to them (SWEDISH MATCH) to accept or not, but the Commissioner in anyway was leaving in few years, and it will be easy for him not to do anything...no Commissioner has ever considered bringing this up for the last twenty years";*
- *"Silvio did not mention that the request was coming from the Commissioner but he neither said the contrary";*
- *"Then I told Silvio that I am going to get out of this thing and that I will call Johan";*

¹³² See annex "Transcription of telephone call" page 5

¹³³ See the interview record with Ms KIMBERLEY on 14/06/2012, page 4, in previous annex 11 which was at a later stage confirmed in her interviews as a person concerned;

¹³⁴ See in particular his interview record on 04/07/2012, pages from 3 to 5, in previous annex 9;

- *"I never had any further contacts with Silvio on the snus issue, the whole matter was closed then".*

Besides that, in her interview as a person concerned on 07/09/2012 she added the following:

- a. She was introduced to the snus issue by a colleague of hers, Mr GALEA, while he was on the phone with his friend. This friend was at that moment in Stockholm or Copenhagen with snus people.
- b. This friend later turned out to be Mr Silvio ZAMMIT.

According to the information in the file the incident occurred in October 2011;

- c. After that introduction she had to ask for information about who Mr Silvio ZAMMIT was, as she did not know him personally at that moment;

This statement is in contradiction with the information provided by the telephone toll records which shows that phone contacts between Ms KIMBERLEY and Mr Silvio ZAMMIT were already ongoing in July 2011.

- d. Mr Silvio ZAMMIT never mentioned bribes or bribing but always spoke about a business deal where there was a price to be paid;
- e. Her husband sent on her behalf to Mr Silvio ZAMMIT her proposal for consultancy services to BAT (British American Tobacco) which was identical with the proposal she had initially sent to SWEDISH MATCH;
- f. Mr Silvio ZAMMIT kept pestering her, calling her repeatedly and kept talking about the snus issue;
- g. Being afraid of Mr Silvio ZAMMIT, Ms KIMBERLEY wished to have him out of her life and wished to push him away;

The statements mentioned at points f) and g) above are in contradiction with the information provided by the telephone toll records and the explanations provided at a later stage by Ms KIMBERLEY in her interviews as a person concerned, as it appeared that she was also contacting Mr Silvio ZAMMIT regularly and was relying on his assistance for various matters.

- h. After his interview with OLAF, Mr Silvio ZAMMIT asked her how OLAF had obtained the document "Meeting with Commissioner" containing the handwritten notes.
- i. Ms KIMBERLEY provided by MMS to Mr Silvio ZAMMIT the picture of the document ("Meeting with Commissioner") and informed him that OLAF had supposedly received it from her on the same day;
- j. Ms KIMBERLEY stated that at the dinner on 13/02/2012 with her and her husband in Malta, Mr GABRIELSSON told her that British American Tobacco might have been interested in her consultancy services as well.

This statement of Ms KIMBERLEY was contradicted by the statement of Mr GABRIELSSON provided to OLAF on 19/09/2012. On that occasion he said that he did not know about a possible involvement of BAT with Ms KIMBERLEY at that moment.

- k. The figures in the fourth bullet point of the document "Meeting with Commissioner" illustrate the size and the produce of the company SWEDISH MATCH. Ms KIMBERLEY was supposedly given this information by the company SWEDISH MATCH and asked to reproduce it.

This statement of Ms KIMBERLEY, however, is contradicted by the statement of Mr GABRIELSSON provided to OLAF on 19/09/2012, who said that it is possible that this information came from the company, but there was no reason for SWEDISH MATCH to give to her this kind of information.

During her interview on 15/09/2012 Ms KIMBERLEY stated the following:

- a. In mid-February 2012 she had told Mr Silvio ZAMMIT and Mr GABRIELSSON that if they wanted to discuss Mr Silvio ZAMMIT's "business proposal" they had to do so directly, as it had nothing to do with her services. This happened on the same day that Silvio ZAMMIT met the Commissioner (10/02/2012);
- b. Since March 2012, she had exchanged only a few phone calls with Silvio ZAMMIT and she did not recall having sent or received any SMS from him;

This statement of Ms KIMBERLEY, however, is in contradiction with the information contained in the telephone toll record which reveals that between 13/02/2012 and 05/07/2012 she and Mr Silvio ZAMMIT exchanged approximately 40 telephone calls, and about 110 SMSs.

- c. She does not recall the specifics of the phone calls exchanged between her and Mr Silvio ZAMMIT on 29/03/2012 but thinks that they were either non-snus related or about her introduction as a consultant to BAT, or linked with her personal complaints to the Local Council of Sliema.

This statement however does not provide a credible explanation about the content of these phone calls, taking into consideration the specific circumstances in which they occurred.

4. LEGAL EVALUATION ON THE RULES APPLICABLE TO THE FACTS DESCRIBED IN THE PRESENT REPORT.

> CONSOLIDATED VERSION OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (TFEU)

- Article 245 (ex Article 213 TEC)

"The Members of the Commission shall refrain from any action incompatible with their duties. Member States shall respect their independence and shall not seek to influence them in the performance of their tasks."

- Article 339 (ex Article 287 TEC)

"The members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components."

> CODE OF CONDUCT FOR THE COMMISSIONERS, C (2011) 2904

- Introduction

"In addition, the general interest requires that Commissioners should behave in a manner that is in keeping with the dignity and the duties of their office, both during and after their term of office. Ruling out all risks of conflict of interests helps to guarantee their independence."

- Art. 1.6. Reallocation of files between Members of the Commission in case of potential conflicts of interest.

"A Commissioner shall not deal with matters within her/his portfolio in which, she/he has any personal interest, in particular a family or financial interest which could impair her/his independence."

Any Commissioner confronted with such situation shall immediately inform the President. The President shall take any measure he considers appropriate, including the reallocation of the file to another member of the Commission"

- Art. 1.7. Collective responsibility and confidentiality

"In accordance with the principle of collective responsibility, Commissioners shall not make any comment which would call into question a decision taken by the Commission. They shall also refrain from disclosing what is said at meetings of the Commission."

As foreseen by Art. 339 of the Treaty (TFEU), the members of the Commission shall be required even after their duties have ceased, not to disclose information of the kind covered by obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components"

> GUIDELINES FOR IMPLEMENTATION OF ARTICLE 5.3¹³⁵ OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL ON THE PROTECTION OF PUBLIC HEALTH POLICIES

¹³⁵ Art. 5.3 of the Convention *"In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law"*.

WITH RESPECT TO TOBACCO CONTROL FROM COMMERCIAL AND OTHER VESTED INTERESTS OF THE TOBACCO INDUSTRY

- Section (2) Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur:

➤ *Point 20: "In setting and implementing public health policies with respect to tobacco control, any necessary interaction with the tobacco industry should be carried out by the Parties in such a way as to avoid the creation of any perception of a real or potential partnership or cooperation resulting from or on account of such interaction."*

⇒ *Recommendation 2.2: "Where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public".*

- Section (4) Avoid conflicts of interest for government officials and employees:

➤ *Point 22: "The involvement of organizations or individuals with commercial or vested interests in the tobacco industry in public health policies with respect to tobacco control is most likely to have a negative effect. Clear rules regarding conflicts of interest for government offices and employees working in tobacco control are important means for protecting such policies from interference by the tobacco industry."*

➤ *Point 23: "Payments, gifts and services, monetary or in-kind and research funding offered by the tobacco industry to government institutions, officials or employees can create conflicts of interest. Conflicting interests are created even if a promise of favourable consideration is not given in exchange, as the potential exists for personal interest to influence official responsibilities..."*

> APPLICABLE PROVISIONS FROM THE CRIMINAL CODE OF MALTA

- **Art. 115.**

Any public officer or servant who, in connection with his office or employment, requests, receives or accepts for himself or for any other person, any reward or promise or offer of any reward in money or other valuable consideration or of any other advantage to which he is not entitled, shall, on conviction, be liable to punishment as follows:

- (a) where the object of the reward, promise or offer, be to induce the officer or servant to do what he is in duty bound to do, the punishment shall be imprisonment for a term from six months to three years;
- (b) where the object be to induce the officer or servant to forbear from doing what he is in duty bound to do, the punishment shall, for the mere acceptance of the reward, promise or offer, be imprisonment for a term from nine months to five years;

The EC is among the Parties to this Convention: it is a signatory since 16/06/2003, and the Convention entered in force for it on 28/09/2005. The Guidelines for implementation of Art. 5.3 of the Convention are established by the Conference of its Parties.

The Guidelines are applicable to government officials, representatives and employees of any national, state, provincial, municipal local or other public or semi/quasi-public institution or body within the jurisdiction of party, and to any person acting on their behalf.

(c) where, besides accepting the reward, promise, or offer, the officer or servant actually fails to do what he is in duty bound to do, the punishment shall be imprisonment for a term from one year to eight years.

• **Art. 121A.**

- (1) Any person who promises, gives or offers, directly or indirectly, any undue advantage to any other person who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person referred to in the preceding articles of this sub-title, in order to induce such other person to exercise such influence, whether such undue advantage is for such other person or anyone else, shall on conviction be liable to the punishment of imprisonment for a term from three months to eighteen months.
- (2) Any person who requests, receives or accepts any offer or promise of any undue advantage for himself or for anyone else with the object of exercising any improper influence as is referred to in subarticle (1) shall on conviction be liable to the punishment laid down in that subarticle.
- (3) The offences referred to in subarticles (1) and (2) shall be complete whether or not the alleged ability to exert an improper influence existed, whether or not the influence is exerted and whether or not the supposed influence leads to the intended result.

> JURISDICTION

Offences committed "in part" of the territory of Malta also fall within the jurisdiction of Maltese courts according to Article 121C CC which also establishes jurisdiction over offences that involve officials of international or supranational organisations or bodies (as covered by Article 121(4)(b) CC).

In the case subject to the OLAF investigation it should be considered that:

- most of the conducts adopted by the persons concerned occurred in Malta;
- the persons concerned are all Maltese nationals and they are resident in Malta

As a consequence it is deemed that the Maltese jurisdiction should be the competent one.

5. CONCLUSIONS

5.1. CONCLUSIONS REFERRING TO COMMISSIONER JOHN DALLI

5.1.1. The use of the name of Commissioner John DALLI for the alleged bribe requests

The name of Commissioner John DALLI was used at least two times in the alleged bribe requests made by Mr Silvio ZAMMIT to both SWEDISH MATCH and ESTOC in exchange for ensuring a proposal for lifting the ban on snus. This happened as follows:

- On **10/02/2012** immediately after Mr Silvio ZAMMIT's meeting with Commissioner John DALLI, Mr Silvio ZAMMIT told Ms KIMBERLEY that there will be a "six zeros" cost to lift the ban. He also provided back to her the note "Meeting with Commissioner" containing the hand-written remarks which seem to reflect information he obtained from the Commissioner. Later on that day, Ms KIMBERLEY called Mr GABRIELSSON telling him that "they" wanted to see someone who could make financial commitments, and also that the news could be potentially good depending on how he saw them. On 13/02/2012 Mr Silvio ZAMMIT suggested to Mr GABRIELSSON that SWEDISH MATCH should pay €60 million to the Commissioner.
- On **29/03/2012** in the context of the recorded telephone call with ESTOC; Ms DELFOSSE mentions "John" twice and Mr Silvio ZAMMIT mentions that "*this is the price he is asking*" after having mentioned the price of €10 million for organising a meeting between the two bosses.

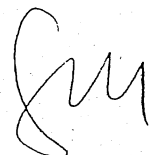
5.1.2. The involvement of the Commissioner on unofficial and confidential snus dealings

(1) The "unofficial" meetings about the snus issue:

The pieces of evidence collected probe the involvement of Commissioner John DALLI in the following "unofficial" and confidential meetings related to the snus matter:

- On 20/08/2010 there was an "off the record" meeting of Commissioner John DALLI, who was on holidays in Gozo (Malta), with, amongst others, Mr HAMMARGREN from ESTOC and Mr Silvio ZAMMIT. The purpose of ESTOC was to establish a dialogue with Commissioner John DALLI on snus/smokeless tobacco. It was stated in the meeting report that Commissioner John DALLI had been advised by the Commission against meeting lobbyists in this regard.
- A meeting on 06/01/2012 in Malta between Commissioner John DALLI, Mr Silvio ZAMMIT and Ms KIMBERLEY in representation of SWEDISH MATCH. Following the meeting Ms KIMBERLEY sent a report to SWEDISH MATCH. The existence and the text of this report show that the parties talked about the snus issue and indicate that SWEDISH MATCH was encouraged for further contacts in this regard.
- The meeting on 10/02/2012 in Malta between Commissioner John DALLI and Mr Silvio ZAMMIT.

A note "Meeting with Commissioner" was prepared by Ms KIMBERLEY on 07/02/2012, when she was informed that she would not attend the foreseen meeting with the Commissioner. The note was accompanied by three factsheets on snus provided by Mr GABRIELSSON as "bedside reading".



The properties of the electronic file of this note indicate that it was indeed prepared on the 07/02/2012. Ms KIMBERLEY left the note to Mr Silvio ZAMMIT in order to allow him to put the right questions to Commissioner John DALLI.

On **10/02/2012** Ms KIMBERLEY received the note back from Mr Silvio ZAMMIT with his hand written notes, which had been drawn up after having supposedly met the Commissioner.

This sequence of events and the content of the answers provided lead to the interpretation that Mr Silvio ZAMMIT indeed discussed those questions with Commissioner John DALLI.

(2) The sequence between the events and the telephone calls with Mr Silvio ZAMMIT

It can be stated that there exists a pattern in the telephone calls exchanged between Commissioner John DALLI and Mr Silvio ZAMMIT which can be explained with links to the dates of the events under investigation. Seventeen telephone calls and two SMSs of the total of twenty-three contacts existing between Commissioner John DALLI and Mr Silvio ZAMMIT from 05/01/2012 to 17/07/2012¹³⁶ were made immediately before, after or on the same day as the respective events took place:

- The telephone call on 21/10/2011 when Mr Silvio ZAMMIT had lunch together with Ms DELFOSSE in Stockholm;
- The telephone calls on 05/01/2012 and 06/01/2012 which was at the time that the meeting of 06/01/2012 took place;
- The telephone calls of 16/03/2012 made by Mr Silvio ZAMMIT to Commissioner John DALLI and Ms KIMBERLEY on the same day that Ms DELFOSSE asked by email about the possibility to have an informal meeting with Commissioner John DALLI and how much Mr Silvio ZAMMIT would charge for that;
- The telephone calls made repeatedly on 29/03/2012 between Mr Silvio ZAMMIT and Commissioner John DALLI and between Mr Silvio ZAMMIT and Ms KIMBERLEY in the period between and/or after the two telephone calls made between Ms DELFOSSE and Mr Silvio ZAMMIT about the request for payment;
- The telephone calls on 17/06/2012 and 18/06/2012, which was the moment immediately after the first interview of Ms KIMBERLEY with OLAF.
- The telephone call between Mr Silvio ZAMMIT and Commissioner John DALLI on 06/07/2012 after OLAF's intervention in Malta. The information about it was denied by Commissioner John DALLI in his interviews with OLAF;

(3) The way the witnesses have understood the offers.

Mr GABRIELSSON and Ms DELFOSSE were convinced that the offers to get a change on the proposal of the Tobacco products Directive concerning snus were made by Mr Silvio ZAMMIT on behalf of Commissioner John DALLI.

As a demonstration of that, reference can be made to Ms. DELFOSSE's statement, when she said that, on 18/11/2011, she received a telephone call from Mr Silvio ZAMMIT, who informed her on the following:

¹³⁶ Out of the 35 contacts in total (30 telephone call and 5 SMSs) which occurred in the whole period observed, i.e. from 19/07/2011 to 19/07/2012;

- That he had seen "John" and confirmed that he ("John") had read some material, and that he understood ESTOC's point;
- That Commissioner John DALLI was willing to take some risks and that he could get the ban lifted. In that regard he quoted the "GMO case" as an example.

It was also understood that the requests for money made by Mr Silvio ZAMMIT were made on behalf of the Commissioner.

5.1.3. The nature of the relationship between Mr Silvio ZAMMIT and Commissioner John DALLI

- It appears that Mr Silvio ZAMMIT has a privileged access to Commissioner John DALLI, who described him as a "close friend", belonging to the same political party, having participated as a supporter in his electoral campaign, having easy access to the Commissioner's Cabinet and even being able to organise meetings for him with third parties.
- Mr Silvio ZAMMIT had access to qualified information, not accessible to the public, in matters related to the Commissioner's portfolio. Among others, in November 2011 Mr Silvio ZAMMIT referred to "the GMO case" as an example in view to explain that Commissioner John DALLI was willing to take some risks in proposing that the ban on snus be lifted.
- It should be underlined that Commissioner John DALLI by associating himself with a person like Mr Silvio ZAMMIT has allowed the latter to assume high importance in front of possible stakeholders, who assumed that he was acting on behalf of the Commissioner. As explained above, this was the clear perception of all the people acting on behalf of both SWEDISH MATCH and ESTOC, which was also based on the fact that Mr. ZAMMIT had been the intermediary for reaching Commissioner DALLI and the organiser of all the off-the-record meetings with the latter.

5.1.4. The lack of reporting about the meetings

Commissioner John DALLI did not report on his "unofficial" meetings on the snus issues with interested parties either to the Commission, or to DG SANCO.

5.1.5. Inconsistencies between, on the one hand, the statements and the letter of Commissioner DALLI and, on the other hand, the investigation findings.

- Commissioner John DALLI stated in his first interview with OLAF that he did not meet with Mr Silvio ZAMMIT on 10/02/2012. On 24/07/2012 Commissioner John DALLI provided OLAF with a letter in which he admitted having met Mr Silvio ZAMMIT on 10/02/2012 even if he denied that the snus issue had been raised during the meeting. During his interview on 17/09/2012 Commissioner John DALLI eventually confirmed having met Mr Silvio ZAMMIT on 10/02/2012.
- Commissioner John DALLI declared that he had no inkling that the investigation was taking place until he received the OLAF invitation to attend the first interview on 11/07/2012 and from the details provided to him during the subsequent interview on 16/07/2012. In this regard, however, Commissioner John DALLI did not make reference to the telephone call he received from Mr Silvio ZAMMIT on 06/07/2012 after the latter's interview with OLAF. Commissioner John DALLI did not make reference either to the phone call received from Mr Silvio ZAMMIT on 17/06/2012 which was immediately after Ms KIMBERLEY's interview with OLAF. It is reasonable to believe that during at least one of these calls or during both of them he had been informed in detail about

the OLAF investigation, its scope and the background situation. This happened before 11/07/2012 when he was notified of being a person concerned by the OLAF investigation, and before the interview he underwent on 16/07/2012.

- Commissioner John DALLI stated that his travel to Malta when the meeting on 10/02/2012 took place was not planned in advance. This is in contradiction with the information received through the communications' screening which indicates that the journey to Malta was inserted in Commissioner John DALLI's mailbox calendar already on 16/01/2012.

5.1.6. Final summary

Although there is no conclusive evidence of the direct participation of Commissioner John DALLI either as the instigator or the mastermind of the operation of requesting money in exchange of political services, as expressed by Mr Silvio ZAMMIT to SWEDISH MATCH and ESTOC, there are a number of unambiguous and converging circumstantial pieces of evidence gathered in the course of the investigation indicating that Commissioner John DALLI was indeed aware of the machinations of Mr Silvio ZAMMIT and of the fact that he was using his name and position to gain financial advantages.

Therefore, even if Mr Silvio ZAMMIT was acting on his own with regard to the alleged bribe request, Commissioner John DALLI could have breached his ethical obligations.

The fact that Commissioner John DALLI met interested parties, lobbyists and economic operators who have personal interest in a matter within his portfolio and unofficially discussed with them information covered by obligation of professional secrecy could mean a possible violation of Art. 245 and Art. 339 of TFEU, as well of the Code of Conduct for the Commissioners ", C (2011) 2094 (Introduction and Art. 1.6 and Art. 1.7).

In addition, Commissioner DALLI, on the occasions he was interviewed by OLAF in order to allow him to clarify his position on the facts under investigation, or when he wrote to the Office, tried to minimise the frequency and the extent of the contacts he had had with Mr ZAMMIT and/or to hide their content relevant to the issue at stake. Furthermore, at no stage did Commissioner DALLI take action to dissociate himself from the facts or to report the circumstances of which he was aware.

As a result of the facts highlighted by the OLAF investigation, it can be considered that Commissioner DALLI put at risk the image and the reputation of the European Commission in the eyes of the tobacco producers and, potentially, in front of public opinion.

Finally the inconsistency of Commissioner John DALLI's statements, together with the findings of this investigation relating to him, could be seen as a serious breach of his duty to behave in keeping with the dignity and the duties of his office. His behavior should be then considered in light of the provisions laid down by the "Code of Conduct for the Commissioners", C (2011) 2094.

5.2. CONCLUSIONS REFERRING TO MR SILVIO ZAMMIT

The allegations concerning possible irregularities in obtaining EU funded projects and/or in the management EU funded projects could not be proved. In this regard, it should be mentioned that in the course of the on-the-spot check Mr Silvio ZAMMIT stated that he is not a beneficiary of EU funds, neither personally, nor through a company. In addition, the intelligence analysis performed by OLAF on this topic did not provide any results with regard to this part of the allegations.

According to evidence collected, it has been ascertained that Mr Silvio ZAMMIT requested to pay bribes both to SWEDISH MATCH and to ESTOC, in exchange of the promise that a

proposal for lifting the EU ban on snus would be presented in benefit of their commercial interests.

The evidence of the attempts to involve SWEDISH MATCH and ESTOC in paying a bribe to obtain the lifting of the EU ban on snus is as follows:

- For the alleged bribe request to SWEDISH MATCH of €60 million

The sequence of events following the meeting in Malta on 10/02/2012 between Commissioner John DALLI and Mr Silvio ZAMMIT reveals converging elements in support of the allegation. In this context, particular relevance should be given to the statements obtained which described the meeting which took place on 13/02/2012 in Malta, between Ms KIMBERLEY, Mr GABRIELSSON and Mr Silvio ZAMMIT. According to both Ms KIMBERLEY and Mr GABRIELSSON, at this meeting Mr Silvio ZAMMIT explained that SWEDISH MATCH would need to pay €60 million with a view to obtaining a proposal for the lifting of the ban on snus.

- For the alleged bribe request to ESTOC

The record of the telephone call between Mr Silvio ZAMMIT and Ms DELFOSSE on 29/03/2012 contains the request made by Mr Silvio ZAMMIT to ESTOC to pay €10 million with a view to being granted that a proposal for lifting the ban on snus would be made. Mr Silvio ZAMMIT made it clear that the payment was a necessary condition without which it would not be possible to achieve this result.

In addition, a similar wording of the financial request expressed by Mr Silvio ZAMMIT is described both by Ms KIMBERLEY and is contained in the record of his telephone call with Ms DELFOSSE ("*are you sitting down*", "*bringing water to the people*").

If Mr Silvio ZAMMIT was acting on behalf of Commissioner John DALLI and if the latter was also involved in this request, then Mr Silvio ZAMMIT's acts could be qualified as complicity in the alleged offence of bribery as per the Criminal Code of Malta.

If Mr Silvio ZAMMIT was only pretending to be acting on behalf of Commissioner John DALLI, and thus misusing the name of the Commissioner in an attempt to create credibility in the perceptions of SWEDISH MATCH and ESTOC, then the acts of Mr Silvio ZAMMIT could be qualified as allegedly committing the offences "Trading in influence" as per the Penal Code of Malta.

5.3. CONCLUSIONS REFERRING TO MS KIMBERLEY

Indications have been found that Ms KIMBERLEY was involved in the alleged bribe requests expressed by Mr Silvio ZAMMIT to both SWEDISH MATCH and ESTOC.

According to the evidence collected it has been ascertained that Ms KIMBERLEY was not telling the truth with regards to details concerning the events under investigation. There are also contradictions and changes in the subsequent statements of Ms KIMBERLEY provided to OLAF regarding the contacts she had with Mr Silvio ZAMMIT, their content and intensity.

In particular:

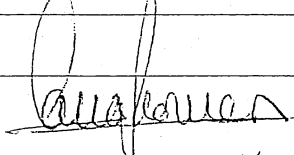



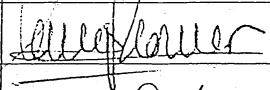
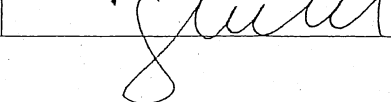
- The contradiction between the information in the telephone toll records for the calls exchanged between her and Mr Silvio ZAMMIT immediately after her first interview with OLAF and her statement that she had not spoken to him about OLAF's investigation until 05/07/2012.

- Initially she denied having exchanged any SMS with Mr Silvio ZAMMIT apart from one MMS. Afterwards, when confronted with the evidence of the phone contacts she did not provide any credible explanation. In her next statement Ms KIMBERLEY said that since March 2012 she had exchanged only a few phone calls with Mr Silvio ZAMMIT and that she did not recall having sent or received from him any SMS, which is in contradiction with the information contained in the telephone toll record.
- The lack of explanations for the phone calls exchanged between her and Mr Silvio ZAMMIT in the exact timing of the events under investigation on 29/03/2012.
- The lack of credible explanations for the phone calls exchanged between her and Mr Silvio ZAMMIT on or around other crucial dates and events under investigation.
- The contradictions between Ms KIMBERLEY's statement concerning the first moment she came to know Mr Silvio ZAMMIT and the information about the phone contacts between them already existing in July 2011.
- The contradictions between Ms KIMBERLEY's statements about the moment she stepped out of the matter and the results from the telephone toll records about her contacts with Mr Silvio ZAMMIT around and during the time of the main acts under investigation.

Therefore, depending on the interpretation of the facts, she might be responsible for bribery and/or trading in influence as per the Criminal Code of Malta, as better specified at the previous point related to Mr Silvio ZAMMIT's position.

5.4. CONCLUSIVE REMARK

As a final consideration it should be underlined that the OLAF investigation allowed establishing that the European Commission's decision making process and the position of the Services concerned has not been affected at all by the facts outlined in the present report.

Signatures		
OLAF Staff	Mr Eduardo CANO ROMERA - Head of Unit A.1 and Investigator in charge	
	Mr Mikael JARETOFT - associated investigator	
	Mr Alberto POTENZA - associated investigator	
	Ms Cvetelina CHOLAKOVA - associated investigator	
Head of Unit	Eduardo CANO ROMERA	
Director-General	Giovanni KESSLER	

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