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Committee on Budgetary Control
The Chairman

IPOL-COM-CONT D(2012)63719

Ms Cecilia Kindstrand Isaksson
Director, Public Affairs,

320948 06.12.2012

Swedish Match EU Representation office
Rue de Trone 108
B-1050 Brussels

Subject: Complementary questions following the meeting with CONT Coordinators

Dear Ms Kindstrand Isaksson

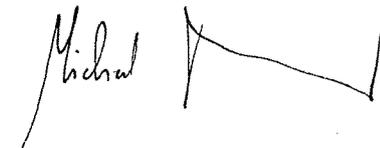
Thank you for your participation in the meeting of the Coordinators of the Committee on Budgetary Control of the European Parliament on 26 November 2012.

The exchange of views we had the opportunity to organise with the representatives of Swedish Match and ESTOC on the events leading up to the resignation of Commissioner Dalli have proved to be very useful.

As agreed during our meeting, the Coordinators would like to transmit you complementary questions (enclosed) in order to be fully informed about this file.

They would be very grateful to receive your answers by 14 December 2012.

Kind regards


Michael Theurer

Resignation of Commissioner Dalli

WRITTEN QUESTIONS TO SWEDISH MATCH

1. As of when Swedish Match was in contact with the consultant contracted and when was the actual contract signed with her?
2. What do you know about the relationship between the consultant and the Maltese entrepreneur based on the contacts you had with them? When did this relationship start?
3. Does Swedish Match finds it ethically correct to hire a consultant in Malta, knowing this would mean interfering into the more private life and activities of the Commissioner who is officially based in Brussels, or did they have the intention to lobby also other persons or institutions in Malta which might be useful in pursuing their interests?
4. Swedish Match claimed during the meeting that its only aim was that Mr Dalli would take good note of the scientific reports and evidence on SNUS, because they were convinced that SANCO blocked this information to the Commissioner, what did make them believe that the Commissioner had not read this information? Was all this information publicly available, why not could Swedish Match forward this not public information officially to EP's Budget Control Committee?
5. Could this information not have been sent by personal mail and why was the fact that the consultant was familiar with the Maltese political climate of importance to hand over and discuss these reports?
6. In which way did Swedish Match want to take advantage of the political climate in Malta?
7. Swedish Match was impressed by the inside knowledge of the Maltese entrepreneur on the tobacco directive, did they ask how he acquired this knowledge or did they simple assume he was briefed by Mr Dalli? Did they check trough the consultant if this was the case?
8. Did Swedish Match have its first contact with the entrepreneur after they briefed and hired the consultant or before?
9. When the entrepreneur told them that he had Dalli's telephone number did they ask him how many other politicians he had in his Swedish Match memory? Did Swedish Match contact the firm mentioned/suggested by the entrepreneur?

10. When and where did the consultant contact the entrepreneur (or inverse) for the first time, how did they know of each others "existence"?
11. Did Swedish Match and ESTOC have any contacts with the entrepreneur after they informed the Swedish government / authorities, if so when and why? Did the Swedish government give any advise or follow up to the information by Swedish Match, if so when and what was the essence of their activities? Which written documents on the exchange of information between Swedish Match / ESTOC and the Swedish authorities are available under the Swedish access to information legislation?
12. What were the considerations not to inform the Maltese authorities/ judicial authorities of possible illegal "behaviour" by the entrepreneur, did they request the consultant/lawyer to give guidance on this matter?
13. Did Swedish Match conclude a written contract with the consultant? Under which legal jurisdiction was this contract concluded and with which type of legal entity? Was it a contract based on an hourly fee and/or did it contain a no cure no pay clause?
14. Were payments deriving from the contract paid cash or by bank transfer? What were the grounds under which the contract could be extended?
15. Did Swedish Match check if the consultant was free to sign a contract without violating her obligations under provisions governing her other professional working relations, or was there no contract with the person in question? If so who signed the contract on her behalf or under her instructions? Did Swedish Match check on any possible conflicts of interest the consultant might have by being engaged by Swedish Match, for example being a member/ employee/consultant of the Gambling Board?
16. Were there any contacts with the entrepreneur after OLAF was informed about the case? Did OLAF assisted / participated during these contacts? If yes was this helpful in the investigation?
17. If Swedish Match and/or ESTOC made any recordings of conversations with the consultant and/or the entrepreneur, did they inform the other party of this? Did they check with legal council if these recordings were legal and could be used as evidence in a possible criminal/civil court case? Who initiated these recordings and who was responsible for this decision?
18. Could we have an overview of the dates of meetings between the secretary general of ESTOC/staff of Swedish Match and the entrepreneur in Malta, Sweden and Brussels and who paid their and the entrepreneur's travel expenses? Who booked the flights for the entrepreneur and when were they booked?
19. Were there any other reasons beside the fact that the consultant is an excellent lawyer to hire this person? How was this person known/related to Swedish Match and ESTOC or persons in these organisations before the contract was concluded?

20. Is there an invoice/receipts/travel tickets or other documentation indicating that Mr Dalli met the consultant on the 10th of February 2012?
21. An email from the Secretary General of ESTOC to the Maltese entrepreneur on the 16th of March 2012 indicates that there is "disturbing news". Could ESTOC share with us the content of and reason behind this "disturbing news"?
22. Could we have a copy of the internal rules of ESTOC on how the internal communication between the secretary general and the board is regulated or explain why he did not inform anyone within ESTOC about the possible bribe asked by the entrepreneur. What is the precise role of Swedish Match within ESTOC which internal rules /agreements apply?
23. Does have ESTOC like Swedish Match a code of conduct containing rules on how to proceed in case of "illegal" activities?
24. Who is financing ESTOC? Does ESTOC receive any public subsidies?
25. When and why did ESTOC pass the name of the entrepreneur to Swedish Match? Did Swedish Match or ESTOC check the credentials of the entrepreneur?
26. Were there during the whole time span between October 2011 and October 2012 contacts with the European Commission other than OLAF staff? If so, with whom?
27. Were there during the whole time span between October 2011 and October 2012 contacts with the authorities in Malta, if so with whom?
28. Were there during the whole time span between October 2011 and October 2012 contacts with members of OLAF's supervisory committee, if so with whom?
29. Swedish Match has registered in the EU's transparency-register and hence abides to the code of conduct for lobbying. However, Swedish Match had contact with at least two external consultants represented in one Maltese company for lobbying the former Commissioner, and contracted with the Maltese company which did not sign up to the EU's code of conduct for lobbyists. Why did Swedish Match engage consultants in bypassing the EU's lobbying rules? How did Swedish Match make sure that the consultants follow the EU lobbying criteria that Swedish Match signed up for?
30. Does Swedish Match often ask external consultants that are not registered in the EU Transparency register to lobby on its behalf?
31. During our meeting on Monday 26th November, you mentioned that the Maltese consultant was knowledgeable of the "Snus issue" and the political climate on Malta. What was the purpose of the educational meeting in Malta, if only public available material was handed over to the consultant? What issues were discussed? Why did two Swedish Match employees go to Malta and not only one? What was the specific role of each employee? Why did you meet on Malta and not in Brussels? Why was the political climate in Malta relevant to the issue?

32. During the meeting of October 21st, 2011, in Stockholm, you describe a phone call made by the "Maltese entrepreneur" who claimed to be on the phone with Commissioner Dalli. Did you know that the person on the phone was the Commissioner and that the meeting took place with the agreement or on demand of the Commissioner? How so?
33. Who at Swedish Match was informed and when about the meeting of October 21st, 2011 in Stockholm? Which conclusions were drawn by Swedish Match from the meeting? Have there been any instructions to ESTOC in the aftermath of the meeting?
34. November 11th, 2011, a Swedish Match employee tried to make contact to the Maltese lawyer, hoping to establish a relationship with the Commissioner. Why did you look for an additional Maltese contact to approach the Commissioner?
35. Did the contract with the Maltese Consultant include a performance related bonus? Was such a performance related bonus discussed? Did the Maltese entrepreneur receive such a bonus?
36. Who was linked to the consultancy contract? Who wrote the bill? Who received the fee for the services of the "Maltese lawyer" (5000 Euro)? How many bills did you get from the company You Rock Ltd for this kind of services? When? Did you also agree to bills of this company for the services of the "Maltese entrepreneur"?
37. Which contacts did you have to the "Maltese entrepreneur" between October 21st, 2011, and January 6th 2012? What was the purpose of these contacts?
38. Which contacts did you have to the "Maltese entrepreneur" between January 6th and February 10th?
39. Which contacts did you have to the "Maltese entrepreneur" between February 10th and Mid May 2012?
40. Which contacts did you have to the "Maltese lawyer" between January 6th and February 10th?
41. Which contacts did you have to the "Maltese lawyer" between February 10th and Mid May 2012?
42. Who was informed and when about the offered bribe within Swedish Match?
43. Who belongs to the "Legal Council" of Swedish Match? When and how were they informed?
44. Have the business partners of Swedish Match been informed about the situation?
45. Which activities took place from the date on which the bribe was asked, 10th of February, to February 21st, when you declined the offer as stated in your text?

46. Why did Swedish Match, though having declined the offer, not stop ESTOC from contacting and negotiating the repeated offer with the "Maltese Entrepreneur"?
47. When was ESTOC informed about the bribe by Swedish Match? Could you elaborate why ESTOC was informed at exactly that time of the process and not later or earlier?
48. Your text states that the Swedish government was contacted on February 24th. Who was contacted, which level and what was the advice? Was the same level/person contacted also on 29th march after renewal of the offer?
49. Why didn't you inform the European Commission by Mid February 2012, immediately after the bribe was asked?
50. Has the option of handing the case directly to OLAF been discussed? What were the reasons against this option?
51. Which meetings have taken place with the European Commission between Mid February 2012 and End of July 2012 concerning the tobacco directive? What was the outcome of those meetings?
52. Which "materials, documents, text messages, emails etc." did Swedish Match collect in April 2012?
53. Why was the Secretary General of the Commission contacted with this material and not OLAF itself?
54. How has the turnover of Swedish Match evolved since the 16th October 2012?