

22 October 2012

Dear Members of Parliament,

Over the past few months OLAF has been investigating a complaint raised by the producers of SNUS. This complaint related to a Maltese entrepreneur seeking financial gain by influencing a legislative proposal on tobacco products.

OLAF seem to have arrived to the following conclusions:

- 1) There is no evidence that I participated in any of these events;
- 2) No transaction was concluded between the company and the entrepreneur, and no payments effected;
- 3) The Commission's decision making process and the position of the services concerned has not been affected at all by the matters under investigation.

Notwithstanding the above, OLAF, in a report to the President, stated that circumstantial evidence led them to conclude that I was aware of these events.

I categorically deny that I was aware of any negotiations and/or communications that could have taken place between the said the entrepreneur and the SNUS producers.

I object to the way this whole affair was handled:

- 1) for being deprived of my right to defend myself as, notably,
 - a) I was not even given 24 hours to consult with my lawyers and to inform my family.
 - b) I was only given 30 minutes.
 - c) As yet I still have no access to the OLAF report, and therefore still no knowledge of the so called "circumstantial evidence".
 - d) Consequently I was not given any opportunity to rebut OLAF's conjectures.
- 2) for having my right of presumption of innocence breached by Mr. Kessler's press conference where he repeatedly and assertively stated his conjectures, again without stating their basis.

For clarity's sake, I met a lobbyist in August 2010 who handed two reports by PwC relating to the economic benefits of tobacco. And on the 6th of January 2012 I met a young Maltese lawyer who was seeking information about SNUS, and to whom I explained the Commission's and my position on the matter.

At the end of February 2012, the position of the tobacco directive was finalized by my services and myself. The "communications" between the entrepreneur and the SNUS producer started in the beginning of March 2012. The information that came to my attention clearly shows that it was the SNUS producers who were pressing this entrepreneur to arrange an appointment with me because they were "hearing bad rumours in Brussels" – most probably leaks of the finalized position. They offered money for this service. The entrepreneur never communicated this request to me. I am also informed that such requests by the SNUS producers offering to pay money, repeated themselves in July 2012, and after their complaint was lodged and even after the investigation by OLAF had started.

During one of my interviews with OLAF, I informed them about this attempt of entrapment.

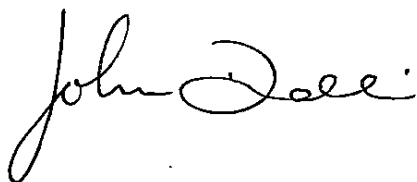
In conclusion I repeat that as yet I have not been informed by OLAF on what evidence they based their conjectures. Therefore, I am being denied the opportunity to defend myself against these conjectures. I categorically refute these conclusions, and am presently seeking advice on what legal action I can take to protect my reputation.

The Tobacco Directive:

It must be said that after passing through two impact assessments, the new tobacco directive was ready to be launched in interservice in late August 2012. This was stopped by the Secretary General and the Legal Services. It was again due to be launched early this month and again it was postponed to today the 22nd October. Now the commissioner is removed and the launching of the directive will probably be postponed again. If it is not launched in time for its conclusion during the term of this legislature, the tobacco directive will be derailed.

I would like to ask you not to let this happen. Please insist with the Commission that this Directive is launched as planned so that thousands of lives can be saved.

I thank all Members of the European Parliament especially those with whom I worked very closely. There were times when we disagreed on issues, but I assure you that my actions were always motivated to seek the long term interests of the European Citizens. I appreciated, over the period I worked with you, the transparency of our relationship.



John Dalli

