

knowledge. Ms KIMBERLEY confirmed that she was confident to be able to personally meet Commissioner John DALLI<sup>46</sup>.

- At the **end of December 2011** Ms KIMBERLEY informed Mr GABRIELSSON that she had arranged a meeting with Commissioner John DALLI<sup>47</sup>.
- Consequently, on **06/01/2012** (Friday) at noon<sup>48</sup> a meeting in Malta was held between Ms KIMBERLEY, Mr Silvio ZAMMIT and Commissioner John DALLI.<sup>4950</sup>

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 GABRIELSSON<sup>51</sup>. 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*

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

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

<sup>48</sup> See the email from Mr KIMBERLEY to Mr GABRIELSSON – in previous annex 5;

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

<sup>50</sup> 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);

<sup>51</sup> 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 again<sup>52</sup>.
- 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)<sup>53</sup>. This meeting was then re-scheduled on 10/02/2012 "due to the heavy snow storms in Brussels"<sup>54</sup>.
- 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 meeting<sup>55</sup>. Therefore, Ms KIMBERLEY prepared a note titled "Meeting with Commissioner"<sup>56</sup> 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 note<sup>57</sup>, as follows.

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

<sup>53</sup> 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;

<sup>54</sup> 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;

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

<sup>56</sup> See the document "Meeting with the Commissioner" in previous annex 14;

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