

**Complaint to the European Parliament and European Commission's  
Joint Transparency Register Secretariat**



**Submitted on 27 March 2013**

**Organisation being complained about:** Swedish Match, Identification number in the Register: 56705163713-93

**Complaints about breaches of the code of conduct**

Clause(s) you think has/have been breached:

In their relations with the EU institutions and their Members, officials and other staff, registrants shall:

- not obtain or try to obtain information, or any decision, dishonestly, or by use of undue pressure or inappropriate behaviour;

Swedish Match violated the second clause of the code of conduct, regarding dishonesty, use of undue pressure and inappropriate behaviour, in their lobbying activities aimed at reversing the EU ban on snus.

Since no clarification is provided of undue pressure or inappropriate behaviour, we take appropriate behaviour for a lobbyist as excluding (among others) any actions or activities which a) infringe on the private sphere or personal life of a policy-maker in attempts to exercise influence or for political gain, for example, seek out and contract their personal acquaintances; b) circumvent the rules of the transparency register about client and financial disclosure, by employing unregistered lobbyists or other “middlemen” to engage in lobbying activities on their behalf.

Swedish Match's inappropriate behaviour came to light in the scandal that forced Commissioner Dalli's resignation. This began with a complaint from Swedish Match to the Commission, alleging that Silvio Zammit, a Maltese acquaintance of Dalli, offered to arrange meetings with him, leading to a reversal of the EU ban on snus, in return for €60 million. Many unanswered questions remain, and a Maltese court case against Zammit is ongoing. Regardless of the outcome however - or any future investigation into e.g. Dalli – re. Zammit's guilt (trading in influence, etc), it is already clear from Swedish Match's statements and interaction with the European Parliament, that Swedish Match engaged in inappropriate lobbying behaviour in two ways.

First, Swedish Match sought access to persons with private contacts with Dalli, to get better access to him and influence over his decisions. Swedish Match, after failing to achieve their lobbying goals via appropriate procedures in Brussels (e.g. responding to Commission public consultations, meeting officials, inc. in Dalli's cabinet), sent a representative, Johan Gabrielsson, to Malta to facilitate contacts with friends and acquaintances of the Commissioner, and ultimately with Dalli himself. Infringing on the personal sphere of a Commissioner in this way, in pursuit of lobbying goals, is inappropriate behaviour.

Second, Swedish Match employed Gayle Kimberley, a Maltese lawyer, to engage in interest representation work, including to meet Dalli. Kimberley is not in the Transparency Register, thus enabling Swedish Match, a signatory of the register and bound by its code, to circumvent the requirements for transparency, which is inappropriate behaviour.

Swedish Match also behaved dishonestly: according to Gabrielsson, he told CONT that there had been two meetings between Kimberley and Dalli, despite knowing that the second meeting had been fabricated by Kimberley and had not taken place. Gabrielsson, a lobbyist for Swedish Match, thus lied to the European Parliament. Whilst suggesting that OLAF encouraged him to stick to what he had originally been told by Kimberley, in order not to disturb ongoing investigations, Gabrielsson told MEP Bové that “It was my choice to tell the story...I took the decision”. Lying to the European Parliament is a clear violation of the code. Swedish Match has also presented the false version of events in the media.

Material evidence for these breaches:

- interactions between Swedish Match and the European Parliament's Budgetary Control Committee (CONT), which condemned Swedish Match for refusing to answer 54 questions CONT asked them, following their meeting on 26 November 2012, <http://www.eppgroup.eu/press/showpr.asp?prcontroldoctypeid=1&prcontrolid=11623&prcontentid=19315&prcontentlg=en>, <http://www.eppgroup.eu/press/pdoc12/20121206swedish-match-questionnaire.pdf>
- recording of a meeting between MEP José Bové and Swedish Match representatives Johan Gabrielsson and Cecilia Kindstrand-Isaksson, 20 March 2013, <https://soundcloud.com/maltatoday/swedish-match-meeting-jos-bov>, plus media references of false story e.g. <http://www.europolitics.info/institutions/we-never-wanted-a-commissioner-to-resign-art344370-36.html>