



EUROPEAN COMMISSION

The Director-General

Hon. Anġlu Farrugia

Speaker of the House of
Representatives
Privileges Committee Chairman
Parliament of Malta

Brussels

Dear Mr Farrugia,

I acknowledge receipt of the letter sent on 18th June 2014 by which the Privileges Committee of the House of Representatives invited me to attend its meeting of 4th July 2014, in Valletta, Malta. I also acknowledge receipt of the e-mail received today, 2nd July informing of the postponement of the hearing.

The Committee's letter does not specify how I could be of assistance. However, in a positive spirit of cooperation and in order to assist you, I would like to supply you with the chronological recollection of facts, to the best of my knowledge. I trust that it will be beneficial for your discussions.

- On 15th October 2012, OLAF concluded its investigation concerning the then Member of the European Commission, Mr John Dalli.
- OLAF's investigation provided evidence that Commissioner Dalli held private, irregular, meetings in Malta with representatives of the tobacco industry concerning the EU legislation on tobacco (in August 2010 and in January 2012). These meetings took place with the involvement of Mr Silvio Zammit, a Maltese restaurant owner close to the Commissioner. These events have been acknowledged by Mr Dalli during the OLAF investigation. OLAF also demonstrated that, after those meetings, Mr Zammit requested a bribe from Swedish Match in order to influence the EU legislative process on the review of the Tobacco Products Directive, using the name of the Commissioner and benefitting from the privileged position given to him. Mr Dalli remained in contact with Mr Zammit at critical moments of the illicit negotiation carried out by the latter.
- On 19th October 2012, OLAF transmitted by hand its final report to the Maltese Attorney General, Mr Grech, for his "*consideration of further investigation and/or prosecution as appropriate*". Following OLAF's transmission, the Maltese Police initiated a fully-fledged criminal investigation. On 28th November 2012 the Commissioner of Police, Mr John Rizzo, together with two Maltese investigators, Mr Cassar and Mr Gafa, came to OLAF and met with the investigators who had been in charge of this case. As it is normal in such cases, OLAF provided all the necessary support to the National Police.



- On 11th December 2012, following the Maltese investigation, Mr Silvio Zammit was “charged with bribery and trading in influence”. Some days later, during a phone call, Mr Rizzo informed me that he had the intention to ask for the indictment of Mr Dalli in the framework of the same investigation. However, in line with Maltese law, such an indictment could only occur in the presence of the person to be arraigned. Since Mr Dalli was not present in Malta at the time, his indictment had to wait for his return.
- Later on, I learnt that after the Maltese legislative elections, and a few days after the return of Mr Dalli to Malta, the Prime Minister of Malta replaced Mr Rizzo with Mr Peter Paul Zammit as new Commissioner of Police on 12th April 2013. I also learnt that the two investigators, Mr Cassar and Mr Gafa, which had participated in the investigation initiated by the Maltese Police, had been replaced.
- On 7th June 2013, Mr Peter Paul Zammit appeared on television and announced that there was not sufficient evidence to pursue criminal charges against Mr Dalli. His statement led the media and the political circles, both in Malta and in Brussels, to believe that the case against Mr Dalli had been dismissed.
- On 17th June 2013, and again on 5th July 2013, I wrote to Mr Zammit enquiring about the status of the Maltese investigation. Eventually, on 7th August 2013 Mr Zammit replied that the investigation had not been closed.
- On three separate occasions (on 22nd October 2013, 31st March 2014 and 6th May 2014), OLAF requested to Mr Peter Paul Zammit to collaborate on a new OLAF investigation concerning Mr Dalli. To this date, and despite the reminders, OLAF has not received any answer by Mr Zammit, although Malta is required by law¹ to cooperate and supply the information required to OLAF.
- On 19th June 2014, a source known to me informed me that during a meeting which took place on the same day in Brussels, Mr Dalli asked him to convey to me the message not to go to Malta, because I might be arrested there.

Honourable Member, the above is what I know in all truth about the facts which might be of interest to the Privilege Committee and I trust that it will help the Committee in making progress in its work.

I remain available to cooperate with the Privileges Committee including, should you deem it still necessary, by appearing before it at one of its next hearings.

Yours faithfully,


Giovanni KESSLER

02 JUL. 2014

¹ Art 8.3 of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF)