

3.2: Further desktop research shows that the **INTERNATIONAL LIFE SCIENCES INSTITUTE (ILSI)** claims to be "*a non-profit, worldwide foundation*" - and not '*an industry group*' as indicated in the initial information- established in 1978 that brings together scientists from academia, government and industry and the public sector to advance the understanding of scientific issues relating to nutrition, food safety toxicology, risk assessment and the environment and to seek a balanced approach to solving problems of common concern for the well being of the general public. A lot of multinational food concerns are member of one or more of regional branches of ILSI. Amongst the industry members of ILSI's European branch, ILSI Europe located in Brussels, we find indeed AJINOMOTO EUROPE and MONSANTO EUROPE, worldwide manufacturers of aspartame.

'Analysis of the general declarations shows that:

- One member has direct interests in ILSI Europe;
- Another member has an indirect interest (support from departmental research) from Danone, Kellogg's UK Ltd. and Nestlé Ireland Ltd., all members from ILSI EUROPE;
- The third member has indirect (Grant for a Ph.D. student) interests in Ajinomoto Japan, member of ILSI and indirect (research cooperation) interests, in Südzucker member of ILSI Europe.

3.7.: OLAF found no indications that the five scientists identified in the complaint had failed to respect DG SANCO's rules on general and specific declarations of conflicts of interests in general and at the time they were contributing, as members of DG SANCO's SCF, to its opinion on the safety of the intense sweetener aspartame in food, in particular.

Article 4 of Regulation 1073/99 on internal investigations refers to article 1 of the same regulation that limits OLAF's competence in internal investigations to '*members of staff of institutions, bodies, offices or agencies*' and makes the link to the EC's decision on internal investigations of 2/6/1999 that limits itself to '*Members, officials or servants of the EC*'. As the '*outside*' experts, **members of the SCF (DG SANCO)**, can for the reasons explained under 3.4., not be considered '*staff members*', the EC's decision on internal investigations of 2/6/1999 will not apply and therefore no internal investigation can be opened on these '*outside*' experts.

There's no financial impact and based on the elements of the file, there's only a potential impact on public health, as far as the opinion of the SCF would be influenced by scientists with an indirect or direct interest with the manufacturers of Aspartame. OLAF found no indications for such an influencing of the SCF's opinion on Aspartame (cf. supra sub 3).

F.-H. Bruener  
The Director General  
OLAF  
European Commission  
Rue Joseph II, 30  
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Brussels, 8 February 2005

Your reference: D/00771 - 28.01.05

Dear Mr. Bruener,

Please let me thank you for your letter of 28.01.2005, answering my request for access to OLAF report I/03318 - 23.11.04, case CMS OF/2004/0257.

You have sent me the document; however some parts of this document have been excluded from access. I would like to request you to review this position and confirm my initial request to have access to the whole document.

Please let me inform you that, in accordance with Regulation 1049/2001, I will refrain from reproduction or dissemination for commercial purposes. Also I do not see how the privacy and integrity of the individuals concerned is at stake when I would be granted access to the document.

If however, you still feel that you can not supply those parts of the document that have been excluded previously, I would like to propose that I can look at the document without being able to take a copy with me, similar to the arrangement that already exists for members of the EP Committee of Budgetary control, when they want to read those investigative documents that can not be released.

Yours sincerely,



MEP