



International Monsanto Tribunal in The Hague

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Mrs.
Margrethe Vestager
EU Competition Commissioner
Rue de la Loi / Wetstraat 200
B - 1049 **Brussels**

Belgium

Amsterdam, 3 March 2017

Dear Mrs. Vestager,

On September 16th, 2016, you expressed your opinion on the planned merger between Bayer and Monsanto in "EurActiv":

"It is important ... that farmers can continue to choose freely between products, that there is a variety of sorts of seeds to choose from, and that they are not forced to buy a particular plant protection product. Agriculture is something for everyone and is therefore a very important issue. We have already seen a high concentration on the market for plant protection products. The same applies to research and development. "

The international organizing committee of the Monsanto Tribunal fully shares your concern.

On 15 and 16 October 2016, more than 30 witnesses and experts from all over the world gathered in The Hague for the Monsanto Tribunal. They presented their testimonies and analyses of the effects of Monsanto's business practices to a panel of 5 judges from different continents.

The combined material of the witnesses and experts on the damage caused by Monsanto was so extensive that the judges have dedicated the eighteen weeks that elapsed since to carefully consider and evaluate it all. On April 18th, the Monsanto Tribunal judges will publicly present the conclusions and legal recommendations from their work as a civil society tribunal in The Hague.

We ask you to take the findings of this international judges' council into account in your decision-making processes. The judges have worked for months to review various aspects of Monsanto's practices and policies, and of the company's impact on people, communities, the environment, and food and farming systems. On request, we can also provide you with the materials that the judges of the Tribunal have at their disposal, for your own use in making picture of the current situation.

The implication of the judge's opinion could be that new liability cases will be filed against Monsanto in regular courts. However, we have seen in the past that companies use mergers to evade their legal responsibilities. The Bhopal case in India stands out as a particularly troubling example. Till this day the Dow Chemical Company does not accept full responsibility for the disaster, which took place in 1984, although it merged in 2001 with Union Carbide Corporation, responsible for the deadly gas leak in Bhopal.

We urge you to make sure that in case of a possible merger Bayer will take full responsibility for all acts and consequences of products, production methods and pollution caused by Monsanto and its products on health and environment, in existing and upcoming liability cases.

Best regards

For the organizing committee of the Monsanto Tribunal

Marie-Monique Robin (Patroness and Member of the Steering Committee of the Monsanto Tribunal)

Dr. Vandana Shiva (Member of the Steering Committee of the Monsanto Tribunal)

Dr. Hans Rudolf Herren (Member of the Steering Committee of the Monsanto Tribunal)

Tjerk Dalhuisen (Member of the Steering Committee of the Monsanto Tribunal)

René Lehnherr (Member of the Steering Committee of the Monsanto Tribunal)

PS. Attached is the copy of the letter to Werner Baumann, CEO of Bayer. After Werner Baumann had told the German media that he was looking for a dialogue with the environmental NGOs, we had written a first letter to Mr. Baumann on June 8, 2016, asking him to answer some questions and to get into a conversation. Even after a second letter, we only received a very general response and no invitation for an appointment. This does not exactly strengthen the confidence of civil society organizations that the multinational corporations wish to engage in a meaningful dialogue.