



Joint Transparency Register  
Secretariat



Brussels,

Nina Holland  
Corporate Europe Observatory

*Sent only by email to:*  
[nina.holland@corporateeurope.org](mailto:nina.holland@corporateeurope.org)

Ref.: TR-C-2019-1203

Dear Ms Holland,

I refer to the complaint you submitted on 18 September 2019 with the above reference on behalf of Corporate Europe Observatory to the Joint Transparency Register Secretariat (JTRS) regarding the organisation Monsanto, formerly registered in the Transparency Register under ID number 678841411135-35. You alleged that Monsanto has breached point d)<sup>1</sup> of the Transparency Register Code of Conduct<sup>2</sup>.

As we informed you already, the transmission of your complaint was initially blocked due to a technical issue and it only came to the attention of the JTRS after you enquired about it on 14 November 2019. The JTRS sent you an acknowledgement of receipt on 19 November 2019 and confirmed the admissibility of the complaint on 4 March 2020.

As regards the alleged breach of **point d)** of the Code of Conduct and the claim that Monsanto provided inaccurate financial data in its Transparency Register registration for the financial years 2017 (n-1) and 2016 (n-2), the JTRS has understood from Bayer AG – the company that took over Monsanto – that only costs associated with the lobbying activities of Monsanto directed at the EU institutions had been estimated and declared.

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<sup>1</sup> ‘d) ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the register, is complete, up-to-date and not misleading; accept that all information provided is subject to review and agree to co-operate with administrative requests for complementary information and updates;

<sup>2</sup>[http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=CODE\\_OF\\_CONDUCT](http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=CODE_OF_CONDUCT)

In fact, it transpires that Monsanto had separated the activities associated with the ‘glyphosate renewal campaign’ into those taking place in Brussels and those at EU Member State level. The sizeable discrepancy between the total cost published in the report by the international law firm Sidley Austin LLP (SA report) for the campaign (approx. 14.5 million EUR) and the cost declared by Monsanto in the Transparency Register (1.5 million EUR, of which 0.8 million EUR were related to the campaign) was caused by this separation of activities. The large majority of the campaign’s activities took place at the national level and were outsourced to FleishmanHillard. They consisted, according to Bayer, of ‘coordination support, message development, media support, political intelligence, website development, stakeholder mapping and outreach’ and were omitted from the financial estimate provided as Monsanto did not consider that they fell within the scope of the Transparency Register’s requirements.

However, the Interinstitutional Agreement on the Transparency Register (IIA) states that:

*‘the scope of the register covers **all activities**, other than those referred to in paragraphs 10 to 12, carried out with the objective of **directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of where they are undertaken and of the channel or medium of communication used.**’<sup>3</sup>*

Following this investigation, and the possible differing interpretations of the Interinstitutional Agreement that it has revealed, the JTRS has decided to update its guidelines for registrants with regard to activities carried out at EU Member State level. In doing so, whilst recognising the complexity of the matter, we hope to ensure a consistent interpretation of the scope of activities covered in future. The additional guidance will be published on the Transparency Register website.

Given that (i) the JTRS has obtained the clarification it has sought regarding the case at hand; (ii) Monsanto is no longer registered and has ceased to exist as an independent entity; (iii) it is not technically possible to amend historical data on the Transparency Register and (iv) the details of the costs related to the ‘glyphosate renewal campaign’ have been made publically available in the SA report, the JTRS considers this complaint closed with no further action.

Yours sincerely,

María Oliván-Avilés  
Coordinator of the Joint Transparency Register  
Secretariat

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<sup>3</sup> Paragraph 7 of the Interinstitutional Agreement on the Transparency Register:  
[https://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.L\\_.2014.277.01.0011.01.ENG](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.L_.2014.277.01.0011.01.ENG)