

Bayer Shareholders
Bayer AG
51368 Leverkusen, Germany

Subject: Acquisition of Monsanto by Bayer

27 April 2017, Brussels

Dear Bayer shareholders,

On 14 September 2016, Bayer officially announced its acquisition of Monsanto for 62 billion euros. This operation still needs to be submitted to competition authorities, and there is a high risk that previous mergers announced by Dow and Dupont and by ChemChina and Syngenta will have changed the context in such a way as to make this deal illegal.

Bayer shareholders have still the possibility to stop this merger, which would be a threat not only to Bayer as a company but also to food-security, ecosystems and human health. Indeed, the planned marriage between Bayer and Monsanto would be a terrible mistake for Bayer, not only in terms of image but also in terms of commercial strategy.

Monsanto is one of the most hated corporations on the planet, and has been accused of many crimes, including the release of dangerous substances into the environment, some of which can still be found in the air, soil and water years after having been banned by authorities.

On 18 April, after hearing the testimonies of 28 witnesses from around the world and after six months of deliberation, five international judges gathered within the "Monsanto tribunal" released a legal opinion on Monsanto's actions. The conclusions of these legal practitioners are too serious and well-founded to be ignored as they shed a very unfavourable light on the business you are about to acquire.

The tribunal was asked to examine the effects of Monsanto's activities on the human rights of citizens and on the environment, and to offer conclusions about the conformity of Monsanto's conduct with the principles and rules of international human rights and humanitarian law. Although the tribunal has no investigative powers, nor are its opinions binding, the advisory opinion it delivered was based on legal considerations, grounded in international human rights law and international humanitarian law.

Out of the six detailed questions that were submitted to the tribunal, the judges declared Monsanto 'guilty' on five charges: hindering or hampering the right to a healthy environment, the right to food, the right to health, and freedom of scientific research, as well as guilty of contributing to the crime of ecocide. The conclusions of the tribunal are meant to help citizens aggrieved by Monsanto to bring them to court at national level, and it is fair to assume that the number of such court cases is going to increase in the year to come as a result.

However, the main problem is not just the very real legal risk taken by Bayer in acquiring Monsanto. It lies in the fact that Bayer would be following the same commercial strategy as Monsanto: selling patented seeds designed to be used with dangerous pesticides issued from petrochemistry. This strategy has run its course. The most obvious reason is of course that oil-based industry is seriously threatened by the rarefication of said oil.

But the key argument to change direction should be the growing uneasiness of citizens around the agricultural model you are pushing, and especially the massive use of pesticides. The damage to human health alone - and the dire cost this represents - will be enough for authorities to take more and more drastic measures to reduce their use in future. The fact that one of Bayer's main activities involves pharmaceutical products and healthcare should also be a good reason to back down on plans to sell harmful chemicals.

Confronted by mega mergers in the agro-industrial sector, Bayer should not follow the same path as its competitors, as it would only ensure its survival in the medium term. We are convinced that you

should embrace another model for the future of farming, by proposing products suitable for agro-ecology (low-risk pesticides, untreated seeds, organic seeds...) and be the first corporation of your size to do so.

Bayer is known for advocating science for a better life. Please do not associate yourselves with potential criminals who are engaging in the falsification of studies to push through a toxic agenda: this would be a danger to your company, humanity and the environment.

Yours sincerely,

Members of the European Parliament:

Isabella Adinolfi

Laura Agea

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