

Greens go to court over lack of transparency on glyphosate: Briefing

1 June 2017

Key messages

- We believe in transparency, participation and access to justice, particularly with regards to environmental matters. That is why we plan to use our democratic and procedural rights to defend the case before the European Court of Justice.
- This is not an attack on EFSA, it is an attempt to secure legal clarity over what information should be made public and what information should legitimately be considered a secret.
- We defend objective, sound science. The whole point of science is that findings are replicable, reviewed by peers, and published.
- We believe that there is a high public interest in this case, and it is our duty to ask the judges at the ECJ to weigh in on this important issue.
- This case is not about finding out whether glyphosate is carcinogenic and dangerous to human health or not - this case is about clarifying whether or not studies used for this assessment should be public.

1. What is glyphosate?

Glyphosate is the most widely used agricultural chemical of all times. 825.000 tonnes were used in 2014, and global sales are up to 9 billion euros. It is mostly used in agriculture but also in public gardens, on railways and in private gardens. Its use has increased 15-fold since the introduction of "Roundup Ready" crops in 1996.

2. Why did you request the information from EFSA?

We believe in transparency, democratic participation and access to justice, particularly when it comes to environmental matters - in line with the Aarhus Convention. In this case, we are using our democratic and procedural rights to ask the judges at the European Court of Justice to take a decision on what the right levels of transparency are when it comes to the assessment of pesticides like glyphosate in Europe.

We were worried about the difference in findings between the World Health Organisation's cancer agency (IARC), which warned in March 2015 that glyphosate is "possibly carcinogenic for humans" and EFSA, which concluded in November 2015 that it isn't carcinogenic.

When Members of the European Parliament asked EFSA about the differences in findings, EFSA responded that it had analysed studies that IARC had not used during its assessment. This is because IARC only uses studies that have already been made public, whereas EFSA does not have this rule.

We therefore requested access to those studies in March 2016. Four Greens/EFA MEPs, Bart Staes - Belgium, Benedek Jávor - Hungary, Heidi Hautala - Finland and Michèle Rivasi - France, filed a public access to information request under the EU's access to documents rules (Regulation 1049/2001 and the Aarhus Regulation, which is specifically about access to environmental information).

After months of intensive back-and-forth with EFSA ([the exchange is online here](#)), we were granted only partial access to sections of the studies that were submitted by the companies seeking authorisation to sell glyphosate in the EU. We received the following: the title of the study, the table of contents, tables and figures with aggregated data, and annexes containing with "raw data" (a series of tables in pdf format). All sections on methodology, materials and experimental conditions as well as the sections containing the results, discussion of the findings and the conclusions, have been removed from all of the studies. [See the table on page 8 of EFSA's decision](#) for an overview of what EFSA did and didn't disclose.

The full correspondence between the Greens/EFA group and EFSA can be found here:

https://www.asktheeu.org/en/request/is_glyphosate_safe_we_have_the_r

3. Why are you not satisfied with the information EFSA has already made public and provided to you?

- According to EFSA, the main reason that certain parts of the studies are not disclosed is because of the **need to protect the commercial interests of the study owners** (represented by the Glyphosate Task Force, GTF). EFSA claims that there is no overriding public interest in the information that would merit its publication.

On the other hand, we believe that there is a huge public interest in glyphosate, including in ensuring full transparency about the studies used for its assessment, as demonstrated by the [resolution](#) adopted by Parliament in [April 2016](#), the [call](#) by Commissioner Andriukaitis on GTF to release all data with regard to carcinogenicity as provided to EFSA, [the EU Citizens' Initiative](#) that has almost 1,000,000 signatures in only a few months, and the declarations from EFSA itself, which has called for more transparency over the process.

- EFSA also argues that studies about glyphosate **should not be considered information about emissions into the environment** and that therefore there is no need to make them public.

However, the Greens/EFA group thinks that this is a violation of the Aarhus regulation, which is clear on the following point: if information concerns emissions into the environment, any commercial interests must be automatically overridden by the public right to access information. The ECJ already ruled recently that studies on glyphosate are about environmental emissions, since glyphosate – by its very nature – is sprayed into the environment.

- In addition, EFSA claims that, if we put together the information published proactively with the information we have so far received, **we already have enough transparency to permit independent scientists to scrutinise the studies.**

However, this is not the case:

- 1) We have worked together with toxicologists from Pan Europe amongst others, to review the documentation. EFSA even came to Brussels to go through all the public information with them. But it is still not enough. Without full access to the materials and methods, or to the results, discussion and conclusions sections, we cannot verify that the information found in the tables and annexes is actually the outcome of a sound scientific process. Nor can scientists properly replicate the findings.
- 2) In addition, the "raw data" received from EFSA still needs to be manually re-entered in order to scan and test the results. When Christopher Portier did this, he discovered at least 8 cases of statistically significant tumour increases in the data received, thus raising even more questions and making it ever more crucial to see the full studies and their methodologies. Read here for more:
http://www.lemonde.fr/planete/article/2017/05/29/glyphosate-et-cancer-des-etudes-cles-ont-ete-sous-estimees-par-l-expertise-europeenne_5135612_3244.html#H2A1ZGQZgeGkctsf.99

To read a briefing by Pan Europe experts on the transparency of glyphosate, visit: <http://extranet.greens-efa-service.eu/public/media/file/1/5195>

4. Is this an attack on EFSA?

This is anything but an attack on EFSA. On the contrary, we value the work and importance of EFSA. We need independent EU agencies to watch over the health of our planet and citizens. This court case is simply an attempt to secure legal clarity over what information should be made public and what information should legitimately be considered a commercial secret.

This is all the more important in cases in which there is a direct link to the environment and to public health. We believe that, given the enormous high public interest in this case - not only in Europe but globally - that it is actually our duty to ask the judges at the ECJ to weigh in on this important issue.

Finally, in our view, EU-institutions like EFSA should rely only on peer reviewed scientific studies that are in the public domain, and therefore open for independent scrutiny. We will therefore continue to work within the European Parliament to see what changes are needed in relevant legislation to deliver that. We will also call on all EU agencies to modify their rules to avoid relying on unpublished studies in their assessments. All that we want to do is to help improve the scientific review process done by EU institutions in order to restore public trust. For more: <https://theconversation.com/people-dont-trust-scientific-research-when-companies-are-involved-76848>