REPORT OF SIDLEY AUSTIN LLP CONCERNING ITS INVESTIGATION ON BEHALF OF BAYER AG INTO ALLEGATIONS REGARDING STAKEHOLDER LISTS DEVELOPED BY PUBLIC RELATIONS AGENCY FLEISHMAN-HILLARD IN CONNECTION WITH MONSANTO'S GLYPHOSATE EU RENEWAL CAMPAIGN

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TABLE OF CONTENTS

I. EXECUTIVE SUMMARY

In May 2019, French media outlets ran several stories based on a reported leak involving legacy Monsanto's public relations agency FleishmanHillard ("Fleishman"). The reports alleged, among other things, that Fleishman had illegally prepared lists or databases of politicians, journalists, and others as part of Monsanto's efforts to extend the European Union ("EU") regulatory approval of glyphosate. In response, Bayer AG ("Bayer") retained the international law firm of Sidley Austin LLP ("Sidley") to conduct an investigation into the existence, scope, and use of so-called "stakeholder lists" developed by Fleishman in connection with Monsanto's efforts to extend the EU regulatory approval of glyphosate in late 2016 and 2017 ("Renewal Campaign" or "Campaign"). Bayer also instructed Sidley to notify individuals on identified stakeholder lists regarding the information collected about them. This report summarizes Sidley's notification process, its investigation work, and its factual findings.

At this stage, we have completed the stakeholder notification process. We notified 1,475 individuals located primarily within the EU and provided them with instructions on how to request a copy of data about them that was included in Campaign stakeholder lists. We then transmitted a copy of each requestor's data to the address he or she provided. As of the date of this report, there are no pending requests to or outstanding responses from Sidley.

In parallel, we conducted a thorough investigation of the allegations raised by the French media regarding the development, content, and use of stakeholder lists in connection with the Renewal Campaign. This investigation involved the review of thousands of contemporaneous records and Campaign-related communications between legacy Monsanto and Fleishman employees. We thoroughly reviewed Campaign stakeholder lists and related documents and did not find support for the media's allegations of illegality.

First, we found nothing illegal about using lists to understand the relationships and issues involved in a policy / regulatory debate like the discussions about the renewal of glyphosate's EU approval in 2016 and 2017.

Second, we found no evidence to suggest that the Campaign stakeholder lists were developed based on the illegal "surveillance" of individuals, as alleged by the media. The Campaign stakeholder lists appear to have been developed using publicly available information, the professional experience and knowledge of Fleishman, sub-agencies, and Monsanto, and information learned from direct contacts with stakeholders.

Third, the Campaign stakeholder lists were not designed to track private personal data like home phone numbers or private email addresses. In the vast majority of cases, Campaign stakeholder lists did not contain <u>any</u> physical or electronic contact details (email address, phone number, postal address, etc.). Where contact information was included, it was generally professional (not private) contact details that were available in the public domain—*e.g.*, "stakeholder_name"@europarl.europa.eu or the official address of the stakeholder's organization.

Fourth, we found no indication that Campaign stakeholder lists contained stakeholders' philosophical beliefs or opinions.

Fifth, while some Campaign stakeholder lists included limited information regarding some stakeholders' political affiliations, the information tended to relate to politicians and other public figures, whose political affiliation is in the public domain. We did not find that personal data used in the Campaign stakeholder lists were processed unlawfully, merely because some lists reveal stakeholders' political affiliations.

Sixth, we found no authority or plain language in EU data protection law to suggest that views about a particular chemical compound, a technology, or a company would constitute "political opinion data." There are many reasons why a stakeholder may hold a particular view

(scientific, economic, etc.) about glyphosate, but such reasons do not necessarily reveal a person's political opinion or affiliation. Regardless, as discussed herein, we found that Fleishman's and/or Monsanto's assessments about stakeholder views of glyphosate (so-called "position intelligence") relied primarily on publicly available information.

Finally, Campaign stakeholder lists did not track individuals' hobbies, leisure activities, or other personal interests, and we did not find evidence that Fleishman or Monsanto organized leisure activities to engage stakeholders.

In short, the French media correctly reported that Monsanto retained Fleishman to support its Renewal Campaign, and the work performed included seeking to understand key stakeholder positions and relationships. There is no question that the work performed and the Campaign stakeholder lists created were detailed, methodical, and designed to strongly advocate Monsanto's positions to stakeholders and to the public. But as summarized herein, we did not find evidence to support the French media's allegations regarding the illegality of the Campaign stakeholder lists.

II. INVESTIGATION SCOPE AND METHODOLOGY

At the request of Bayer, Sidley conducted an investigation into the existence, scope, and use of so-called "stakeholder lists" or "stakeholder maps" developed by legacy Monsanto's public relations agency Fleishman in connection with the Renewal Campaign.

A. Press Allegations Regarding Stakeholder Lists

1. Le Monde

On 9 May 2019, French media outlet *Le Monde* published an article entitled "'*Fichier Monsanto': des dizaines de personnalités classées illégalement selon leur position sur le glyphosate.*"[1] According to the article, *Le Monde* obtained documents listing political leaders and government officials, journalists, leaders of professional and public organizations, and scientists that tracked each person's level of support for glyphosate. The article identifies several individuals on various lists and describes categories of information included about them. The article states that Fleishman created these lists in late 2016 at Monsanto's instruction "to assist in its defense of glyphosate" and questions the legality of databases that reveal the "political and philosophical opinions of an individual without his consent."

According to the article, another document obtained by *Le Monde* indicates that Fleishman retained Publicis Consultants ("Publicis"), a French public affairs agency, to "gather political intelligence and information NOT in the public domain," and suggests that Fleishman likely created similar lists for other countries in the EU.

2. France 2

On the same day, French television program *L'Oeil du 20 heures* (*France 2*) broadcast a report entitled "*Glyphosate: des centaines de personnalités secrètement fichées et ciblées en*

[1] Stéphane Foucart & Stéphane Horel, "*Fichier Monsanto*": *des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

fonction de leur soutien à Monsanto."[2] The report asserts that Monsanto and Fleishman, through "surveillance" activities, collected information regarding hundreds of scientists, politicians, and journalists (including information of a private nature, such as personal contact details) and recorded the information on secret lists. The report shows a series of screenshots of documents reportedly from communications firms working for Monsanto. The commentary states that one of the excerpted tables assesses various stakeholders' credibility, influence, and levels of support for Monsanto, and that another table classifies stakeholders as "allies, potential allies to recruit, stakeholders to be educated, [or] stakeholders to be monitored" with strategy and comments on each individual. The report commentary states that there was also an appendix regarding stakeholders' interests and hobbies.

On 16 May 2019, French television program *Envoyé Spécial* (*France 2*) broadcast a report entitled "*Les fichiers secrets de Monsanto*."[3] The report reiterated allegations that stakeholder lists include information collected through "surveillance" activities, such as stakeholders' private contact details. The broadcast also showed screenshots of a document titled "France SOW," highlighting the text: "What do our targets need? What will motivate each one to support renewal? What are the watchouts? Do they have agricultural interests? Leisure or other interests (golf, tennis, hunting, etc.)."

B. Bayer Commitments

In response to the French media reports, on 12 May 2019, Bayer issued a press statement reaffirming its "commitment to transparency and fair dealings with all stakeholders."[4] In this press release, Bayer stated that it had "no indication that the preparation

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[2] *France 2*, *L'Oeil du 20 heure*, issued both an article and a video report. *L'Oeil du 20 heure, Glyphosate: des centaines de personnalités secrètement fichées et ciblées en fonction de leur soutien à Monsanto*, FRANCE 2 (9 May 2019), https://www.francetvinfo.fr/monde/environnement/pesticides/glyphosate/glyphosate-des-centaines-de-personnalites-secretement-fichees-et-ciblees-en-fonction-de-leur-soutien-a-monsanto_3435581.html.

[3] *Envoyé Spécial*, *Les fichiers secrets de Monsanto*, FRANCE 2 (16 May 2019), https://www.youtube.com/watch?v=B2zaoSGfjTQ.

[4] BAYER PRESS RELEASE, *Bayer commissions external law firm to investigate Monsanto's stakeholder mapping project and reaffirms its commitment to transparency and fair dealings with all stakeholders* (12 May 2019),

of the lists under discussion violated any legal provisions," but acknowledged the allegations made by the French media, apologized that people were upset by the reports, and committed to:

- Hire "an external law firm to investigate the project Monsanto commissioned and evaluate the allegations"; and
- Have the law firm "inform all of the persons on the lists of the information collected about them."

On 13 May 2019, Bayer's Head of Public Affairs and Sustainability provided additional views on the scope of the internal investigation during a press call, stating:

- "The [l]aw firm will … give us an overall picture from the many pieces of the puzzle and tell us which different lists exist with which depth of information within the scope of this overall [Fleishman] contract";
- "The [l]aw firm will clarify … to what extent the way in which this stakeholder mapping was conducted was inappropriate or even illegal" including whether data was collected "about individuals that isn't publicly available";
- "The [l]aw firm [will] thoroughly examine these issues so as to present the extent of this stakeholder mapping … while at the same time respecting the privacy rights of those who may have been affected"; and
- "The [i]nvestigation will take place in such a way that those affected are notified about whether [they] appear on any lists and how information was compiled about them."

C. Retention of Sidley Austin LLP

On 21 May 2019, Bayer publicly announced that it had hired Sidley to conduct an investigation into the French media's allegations.[5] The investigation was conducted out of Sidley's European offices by European and U.S. lawyers experienced in conducting internal investigations and European data privacy matters. Sidley's investigative scope and process are described below.

https://media.bayer.com/baynews/baynews.nsf/id/Bayer-commissions-external-investigate-Monsantos-stakeholder-mapping-project-reaffirms-commitment.

[5] BAYER PRESS RELEASE, *Aktueller Stand Zu Den Stakeholder- Listen von Monsanto*, https://www.hier-sind-die-fakten.de/de/aktueller-stand-zu-den-stakeholder-listen-von-monsanto.aspx.

1. Purpose and Scope

Sidley's mandate and scope of work was two-fold: (1) identify key facts pertaining to the stakeholder list work performed by public relations agency Fleishman in connection with Monsanto's Renewal Campaign and investigate related allegations and issues raised by the French media; and (2) notify individuals on Campaign stakeholder lists regarding the information collected about them. Sidley's mandate was not limited to investigating facts related to French stakeholders; Sidley was tasked with looking at stakeholder lists with respect to the overall Campaign.

2. Notification of Stakeholders

Bayer instructed Sidley to "inform all of the persons on the lists of the information collected about them" and to perform its investigation in such a way that "those affected are notified about whether [they] appear on any lists and how information was compiled about them."[6] To do this, Sidley developed a systematic notification procedure.

(a) Initial Identification of Stakeholders

When *Le Monde* published its original article, Bayer responded to *Le Monde* that it was unable to concretely identify copies of the purported stakeholder lists in its systems or files.[7] After the *Envoyé Spécial* broadcast, however, Fleishman provided Bayer with copies of four documents that it believed were similar to those featured in the French television report. Then, on 11 May 2019, Fleishman sent Bayer an additional ten Excel documents which purported to be the most recent versions of stakeholder lists for the Campaign—one each for France, Germany, Italy, the Netherlands, Poland, Spain, the United Kingdom, and three lists related to

[6] Bayer made this commitment with a view to providing transparency to stakeholders and not out of a legal obligation to proactively provide the information.

[7] Stéphane Foucart & Stéphane Horel, *"Fichier Monsanto": des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

stakeholders from various EU institutions (*e.g.*, Directorate-General for Environment, Member State representatives, etc.). At the outset, Sidley relied on the information provided by Fleishman to Bayer and used these fourteen documents to prepare initial stakeholder notifications. In total, these documents contained 1,208 stakeholder names that were included in the initial notification process.

(b) Initial Verification of Contact Details

Sidley quickly determined that the majority (approximately 93%) of individuals on these Campaign stakeholder lists were not associated with any physical or electronic contact address. That is, most lists only contained stakeholder names associated with a position and organization without further contact details. Even when a Campaign stakeholder list did contain contact details, those details were not necessarily current and reliable because the Campaign stakeholder lists were developed in late 2016 and 2017. To best ensure that notifications were properly directed, Sidley engaged a technology vendor specialized in notification services to identify updated professional contact information by consulting publicly available sources of information.[8]

(c) Notifications and Second Verification of Contact Details

After initial verification of stakeholder contact information, notification letters were mailed to the individuals on the lists provided by Fleishman.[9] The notification process started on May 31, 2019. The below chart summarizes the initial notifications sent to each country/group:

[8] Sidley instructed its vendor to identify physical business addresses as the first option for notifications. If no such address could be located, the vendor attempted to identify a professional email address for the individual (*i.e.*, an email address associated with an organizational domain). In rare cases, notifications were sent to other publicly verifiable email or physical addresses (*e.g.*, independent journalist with a Gmail account).

[9] Email notifications were sent in 14 cases because no physical address could be located.

Stakeholder List(s)	No. of Letters Mailed
France	376
Germany	174
Italy	40
Poland	139
Spain	99
Netherlands	20
United Kingdom	21
EU Institutions	339

The communication process was carried out in two phases in order to protect stakeholders' privacy and safeguard their personal data. *First*, a bilingual notification letter was sent to stakeholders on the Campaign stakeholder lists provided by Fleishman.[10] *Second*, in the transmitted letter, Sidley invited each individual to obtain a copy of his or her personal data as contained on the Campaign stakeholder lists provided by Fleishman. To do so, each individual was asked to respond to a dedicated email mailbox and specify the physical address to which the individual wanted to receive the data. Below is the text of the English/French version of the letter that was transmitted to individuals on French lists:

Dear Sir or Madam,	Cher Monsieur, Chère Madame,
We are writing you in our capacity as legal counsel of Bayer AG and its affiliates (Bayer), which acquired Monsanto in June 2018.	Nous vous écrivons en notre qualité de conseil de Bayer AG et de ses filiales (ci-après dénommés, « Bayer ») qui a fait l'acquisition de Monsanto en juin 2018
Bayer has retained us to conduct an investigation following certain media allegations around the existence, scope and use of so-called stakeholder lists developed by the public relations agency FleishmanHillard as part of Monsanto's 2016-17 glyphosate renewal campaign.	Bayer a sollicité nos services pour conduire une enquête interne suite aux allégations relayées par les médias sur l'existence, l'étendue et l'utilisation de fichiers, constitués par l'agence de communication FleishmanHillard lors de la campagne de renouvellement concernant le glyphosate menée par Monsanto en 2016-2017.
This letter is to inform you that we have found your name on one or more of such stakeholder lists that we have reviewed.	Par la présente lettre, nous vous informons que nous avons trouvé votre nom sur un ou plusieurs des fichiers que nous avons examinés.

[10] We prepared bilingual versions covering 12 languages.

In addition to your name, the lists generally may include information like your professional title, associated organisation, information about your position on EU glyphosate renewal, your position about Monsanto, as well as any contact that the agency may have had with you on such topics. As far as we have been able to ascertain, the lists do not include 'sensitive' personal data.	En plus de votre nom, les fichiers peuvent contenir d'autres informations, telles que votre titre professionnel, les organismes auxquels vous pouvez appartenir, votre avis sur le renouvellement du glyphosate dans l'UE, votre position sur Monsanto, ainsi que des informations sur toute forme de contact que l'agence a pu avoir avec vous au sujet de ces questions. En l'état de nos investigations, les fichiers ne contiennent pas de données personnelles « sensibles ».
If our investigation reveals additional information causing us to modify the previous statement, we will notify you accordingly.	Si notre enquête révélait des éléments supplémentaires nous amenant à revoir nos présentes conclusions, nous ne manquerions pas de vous en informer.
If you would like to receive a copy of your information as it appears on the lists that we have reviewed, please contact us at [redacted]@sidley.com (preferably within 30 days following receipt of this letter) and provide the physical address to which we should transmit your information via certified mail.	Si vous souhaitez recevoir une copie des informations qui vous concernent, telles qu'elles apparaissent sur les fichiers que nous avons examinés, veuillez nous contacter par e-mail à l'adresse [redacted]@sidley.com (de préférence dans un délai de 30 jours à compter de la réception de la présente lettre) et veuillez nous indiquer l'adresse postale à laquelle vous souhaitez recevoir l'information concernée par lettre recommandée.
Sincerely, Sidley Austin LLP	Nous vous prions d'agréer l'expression de nos respectueuses salutations, Sidley Austin LLP

(d) Transmission of Data

After receiving an inquiry to the dedicated email mailbox, Sidley reviewed the information each requestor provided and transmitted a copy of the requestor's data via registered mail.[11] In some instances, in order to protect other individuals' privacy and data protection rights,[12] portions of the data were redacted prior to providing it to the relevant stakeholder. Sidley transmitted stakeholder data with the following cover letter:

[11] In a few cases, at the specific authorization or request of a requestor, Sidley transmitted the data via email to a designated address.

[12] The redaction of information pertaining to individuals other than the stakeholder-requestor is necessary to comply with applicable data protection law.

Dear Mr. / Ms. […],	Cher/Chère M. / Mme […],
Following up on the request for information that we received via [redacted]@sidley.com, please find enclosed a copy of your information as contained on stakeholder lists that we have identified to date.	Suite à la demande d'informations que nous avons reçue via l'adresse [redacted]@sidley.com, veuillez trouver ci-joint une copie des informations vous concernant telles qu'elles figurent sur les fichiers que nous avons identifiés à ce jour.
If our investigation reveals additional information about you, we will notify you promptly.	Si notre enquête révélait des informations supplémentaires vous concernant, nous ne manquerions pas de vous en informer immédiatement.
Sincerely, Sidley Austin LLP	Nous vous prions d'agréer, Monsieur / Madame [X], l'expression de nos respectueuses salutations, Sidley Austin LLP

(e) Supplemental Notifications

During our investigation, we reviewed thousands of Campaign-related communications between Fleishman and Monsanto employees, including communications that attached versions or iterations of stakeholder lists. We identified stakeholder lists that are similar to documents shown in the *France 2* reports and documents provided by Fleishman in May 2019.[13] We also identified other Campaign stakeholder lists. For example, we identified a separate list focused on academics and medical professionals that was not provided by Fleishman to Bayer in May 2019. Stakeholders listed on all of these documents were carefully compared to the fourteen documents provided by Fleishman in May 2019 with the assistance of our technology vendor.

In general, there was significant overlap of stakeholder names among the various list versions; however, we did identify additional individuals that we determined were on some

[13] Neither *Le Monde* nor *France 2* responded to our requests for access to the documents used in their stories. Because of this, we were unable to do a line-by-line comparison against the fourteen documents Fleishman provided in May 2019 or with any documents identified in legacy Monsanto's systems. Ultimately, however, this did not limit our investigation. Our methodology (discussed below) gave us a broad and deep view of contemporaneous Campaign stakeholder lists and related communications, and our analysis is based not only documents that were similar to those presented in the French press, but on thousands of other internal documents related to the development of Campaign stakeholder lists.

version of a stakeholder list during the Campaign.[14] We sent notifications to 267 additional individuals pursuant to the same process described above. The notifications involved individuals currently in Belgium (4), France (90), Germany (28), Italy (11), Poland (13), Spain (45), Switzerland (1), United Kingdom ("UK") (72), and the United States (3).

In some cases, Bayer received proactive inquiries from individuals asking whether they were included in a Campaign stakeholder list. In total, Bayer received 34 such inquiries and passed them on to Sidley. Requestors were informed whether they were or were not identified on a Campaign stakeholder list and provided with a copy of their data, as applicable. In total, Sidley identified five of the requestors on a Campaign stakeholder list.

Sidley also cross-checked additional stakeholder lists identified during the investigation and, if applicable, supplemented data transmissions to stakeholders who had previously replied to the designated email mailbox.[15] Supplemental data transmissions were mailed on 3 September 2019. As of the date of this report, there are no pending requests to or outstanding responses from Sidley. To date, 250 individuals sent a request to the designated mailbox seeking a copy of their information as contained on stakeholder lists.

3. Investigation Work

As of the date of this report, Bayer has not been presented with formal allegations or charges from any EU Member State data protection authority or from any other civil, administrative, or criminal authority. Bayer has publicly committed to cooperate with any such authorities' inquiries or reviews of the media allegations. For the purposes of this report, all of the general allegations about Campaign stakeholder lists originate from media reports. The

[14] That is, between the Campaign commencement date of 15 October 2016 and the EU vote to renew glyphosate in December 2017.

[15] This possibility was noted in Sidley's initial notification letter: "If our investigation reveals additional information causing us to modify the previous statement, we will notify you accordingly." Stakeholders will only receive a second transmission if data were identified during the investigation that were different from or supplemental to the data sent in the first transmission. The data transmissions were limited to the information available on identified stakeholder lists.

media reports of highest relevance are the stories broken by the French media based on a purported "leak at a major lobbying and public relations firm, Fleishman-Hillard."[16] All other reports we reviewed were derivative of these reports.

As part of our investigation, we contacted the two primary media outlets that originated the story: *Le Monde* and *France 2* (TV). We requested that they provide us with access to the documents and information upon which their stories were based so that we could fully evaluate them, including comparing those documents to information Monsanto received contemporaneously from Fleishman as part of the Campaign. As of the date of this report, neither *Le Monde* nor *France 2* has responded to our request.

Without more specific information or allegations to focus on, our investigation sought to determine the facts surrounding the stakeholder lists and to evaluate information reported in various media reports based on those facts. We identified three primary categories of issues that have been focused upon: (1) questions regarding the development of the stakeholder lists; (2) questions regarding personal data contained on the stakeholder lists; and (3) questions regarding the use of the stakeholder lists.[17]

- **Questions regarding the development of Campaign stakeholder lists**. Various news reports allege that Fleishman improperly or illegally gathered personal information on behalf of Monsanto to create the Campaign stakeholder lists. Specifically, reports suggest that Fleishman and/or Publicis—an agency subcontracted by Fleishman—gathered "political intelligence and knowledge

[16] Stéphane Foucart & Stéphane Horel, *"Fichier Monsanto": des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

[17] *N.B.* - Reports subsequent to the *Le Monde* and *France 2* reports appear to be largely derivative. However, we have taken a broad view of various media accounts and included anything that could be considered an "allegation" or "question."

that is NOT in the public domain"[18] and conducted surveillance of "the public domain, including political and legislative news."[19] Reports further state that personal information was gathered without stakeholder consent and potentially through fraudulent, unfair, and illicit practices.[20]

- **Questions regarding personal data contained on Campaign stakeholder lists**. News reports allege that the Campaign stakeholder lists contained personal and sensitive information about stakeholders,[21] including "the political and philosophical opinions of a person,"[22] information on their views on pesticides and on Monsanto, as well as their private addresses and phone numbers[23] that are not in the public domain. Some reports suggest that

[18] *Envoyé Spécial*, *Les fichiers secrets de Monsanto*, FRANCE 2 (16 May 2019), https://www.youtube.com/watch?v=B2zaoSGfjTQ.

[19] Stéphane Foucart & Stéphane Horel, *"Fichier Monsanto": des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

[20] *See, e.g.*, *La crisis de Monsanto se lleva por delante a sus agencias de comunicación*, DIRCOMFIDENCIAL (21 May 2019), https://dircomfidencial.com/comunicacion/la-crisis-de-monsanto-se-lleva-por-delante-a-sus-agencias-de-comunicacion-20190521-0400/; *Bayer apologizes over secret list of Monsanto critics*, DEUTSCHE WELLE (12 May 2019), https://www.dw.com/en/bayer-apologizes-over-secret-list-of-monsanto-critics/a-48702015-0; Anais Ginori, *La schedatura della Monsanto è illegale: aperta un'inchiesta*, LA REPUBBLICA (10 May 2019), https://www repubblica.it/esteri/2019/05/10/news/la_schedatura_della_monsanto_e_illegale_aperta_un_inchiesta-225960421; Soo Youn, *Monsanto is contacting the journalists, activists it tracked on 'watch lists' in 7 countries*, ABC NEWS (18 June 2019), https://abcnews.go.com/Business/monsanto-contacting-journalists-activists-tracked-watch-lists-countries/story?id=63784483.

[21] *See, e.g.*, Ryan Heath, *The War on Lobbyists – Glyphosate*, POLITICO EU (17 May 2019), https://www.politico.eu/newsletter/politico-eu-influence/politico-eu-influence-war-on-lobbyists-hans-brusselmans-facebook-ad-spending/

[22] Stéphane Foucart & Stéphane Horel, *"Fichier Monsanto": des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

[23] *See France probes alleged Monsanto files on opinion makers*, FRANCE 24 (10 May 2019), https://www.france24.com/en/20190510-france-probes-alleged-monsanto-files-opinion-makers; *Envoyé Spécial*, *Les fichiers secrets de Monsanto*, FRANCE 2 (16 May 2019), https://www.youtube.com/watch?v=B2zaoSGfjTQ (during the report, an individual whose name was identified on a stakeholder list stated that his phone number was unlisted and is not aware of how they obtained the phone number).

stakeholder lists also contained information about stakeholders' leisure pursuits and hobbies.[24]

- **Questions regarding the use of Campaign stakeholder lists**. Reports allege that stakeholder lists contained information regarding outreach activities to stakeholders, including, for example, face-to-face meetings, sharing educational materials, and influencing stakeholders through social media.[25] These reports imply that, at least in some cases, outreach activities may have been improper and/or influenced stakeholders improperly.[26] Some reports indicate that the stakeholder lists were used as trackers to document these efforts.[27]

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We had the full cooperation and support of Bayer in conducting our investigation. We were provided with access to all requested sources of company documentation (as identified from legacy Monsanto systems), including access to emails, electronic files, contracts, compliance records, and financial and accounting records. We understand that legacy Monsanto systems were configured to automatically archive all email communications sent or received by Monsanto employees during the time period of the Renewal Campaign (late 2016 through 2017). We were therefore confident in our ability to identify Campaign communications of relevance.

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[24] *See id; L'Oeil du 20 heure, Glyphosate: des centaines de personnalités secrètement fichées et ciblées en fonction de leur soutien à Monsanto*, FRANCE 2 (9 May 2019), https://www.francetvinfo fr/monde/environnement/pesticides/glyphosate/glyphosate-des-centaines-de-personnalites-secretement-fichees-et-ciblees-en-fonction-de-leur-soutien-a-monsanto_3435581 html.

[25] *See L'Oeil du 20 heure, Glyphosate: des centaines de personnalités secrètement fichées et ciblées en fonction de leur soutien à Monsanto*, FRANCE 2 (9 May 2019), https://www.francetvinfo fr/monde/environnement/pesticides/glyphosate/glyphosate-des-centaines-de-personnalites-secretement-fichees-et-ciblees-en-fonction-de-leur-soutien-a-monsanto_3435581 html.

[26] *See* Stéphane Foucart & Stéphane Horel, "*Fichier Monsanto*": *des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

[27] *See Envoyé Spécial, Les fichiers secrets de Monsanto*, FRANCE 2 (16 May 2019), https://www.youtube.com/watch?v=B2zaoSGfjTQ.

In total, Bayer assisted in collecting over 2.4 million electronic files from nineteen individual and departmental legacy Monsanto sources we deemed relevant to our review. These records were systematically filtered and searched according to logical parameters (*e.g.*, date limiters corresponding to the time period of the Campaign) and search terms of relevance (*e.g.*, stakeholder*) in order to specifically focus on stakeholder-related communications between Fleishman and Monsanto. We executed the search terms in multiple languages, including French, German, Dutch, Italian, Polish, and Spanish in order to review local Campaign activities and communications that may not have been conducted in English. Additionally, we performed supplemental targeted searches as necessary to review specific topics. In total, we reviewed over 25,000 documents as part of our investigation. We also evaluated other records, including, for example, certain invoices and expense reports.

We likewise had the full cooperation of current Bayer employees (*i.e.*, former Monsanto employees) who had potential knowledge about the Campaign and/or Campaign stakeholder lists. Although we did not have direct access to Fleishman employees, documents, or systems as part of our investigation, we requested and received certain documents and information from Fleishman. The information we received was helpful in corroborating facts and information we identified independently through our review of legacy Monsanto documents and communications.

In short, we had ample evidence—both documentary and testimonial—from which to draw the findings and conclusions set forth in this report.

III. FACTUAL FINDINGS

A. Background

Glyphosate is an active ingredient commonly used in broad-spectrum herbicides. It was first commercialized as the active ingredient in RoundUp® by Monsanto in the 1970s. Today, the compound is used by many herbicide manufacturers throughout the world. The

compound has been used in Europe for several decades. In the EU, pesticides are subject to periodic EU-level scientific assessments in order to maintain their regulatory approval status, and in November 2010, the European Commission ("Commission") extended its approval of glyphosate until 31 December 2015.[28] In October 2015 and June 2016 the Commission further extended the approval of glyphosate, respectively until June 2016 and December 2017, to allow for ongoing assessments of glyphosate to be concluded.[29]

Throughout the 2016 and 2017 period, Commission deliberations were informed by the views of the Standing Committee on Plants, Animals, Food and Feed ("PAFF Committee")[30] and of the PAFF Appeal Committee,[31] two committees composed of representatives of EU Member States. There were extensive discussions among the Commission, the PAFF Committee, and EU Member States regarding the renewal of glyphosate's EU approval during this time.

[28] *See* EUR. COMMISSION, *Commission Directive 2010/77/EU of 10 November 2010 amending Council Directive 91/414/EEC as regards the expiry dates for inclusion in Annex I of certain active* substances, 293 OFFICIAL J. EUR. UNION 48 (2010), https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0077. For additional information regarding the European Commission's assessment of glyphosate, *see Earlier Assessment*, EUR. COMMISSION (last visited 14 Aug. 2019), https://ec.europa.eu/food/plant/pesticides/glyphosate/earlier-assessment_en.

[29] *See* EUR. COMMISSION, *Commission Implementing Regulation (EU) 2015/1885 of 20 October 2015 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2,4-D, acibenzolar-s-methyl, amitrole, bentazone, cyhalofop butyl, diquat, esfenvalerate, famoxadone, flumioxazine, DPX KE 459 (flupyrsulfuron-methyl), glyphosate, iprovalicarb, isoproturon, lambda-cyhalothrin, metalaxyl-M, metsulfuron methyl, picolinafen, prosulfuron, pymetrozine, pyraflufen-ethyl, thiabendazole, thifensulfuron-methyl and triasulfuron,* 276 OFFICIAL J. EUR. UNION 48 (2015), https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1516883033231&uri=CELEX:32015R1885; *see also* EUR. COMMISSION, *Commission Implementing Regulation (EU) 2016/1056 of 29 June 2016 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance glyphosate*, 173 OFFICIAL J. EUR. UNION 52 (2016), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1056.

[30] For additional information regarding the PAFF Committee, *see PAFF Committees*, EUR. COMMISSION (last visited 14 Aug. 2019), https://ec.europa.eu/food/committees/paff_en.

[31] For additional information regarding the PAFF Appeal Committee, *see Appeal Committees*, EUR. COMMISSION (last visited 14 Aug. 2019), https://ec.europa.eu/food/committees/appeal_en.

Ultimately, on 12 December 2017, following a qualified majority vote of EU Member States in a PAFF Appeal Committee, the Commission renewed its regulatory approval of glyphosate for an additional five years, until 15 December 2022.[32]

1. Monsanto's Glyphosate Renewal Campaign

Prior to the 2017 EU renewal of glyphosate, and in light of the ongoing deliberations, interest groups on both sides of the issues sought to engage in the dialogue regarding the EU renewal of glyphosate. This included manufacturers of glyphosate, like Monsanto, as well as non-governmental organizations, farmers, journalists, scientists, and others opposed or in favor of the renewal of glyphosate's EU approval.[33] European news reports during this time show the intensity of the debate. In or around August 2016, Monsanto started developing further plans to advocate its positions and the renewal of glyphosate's EU approval.

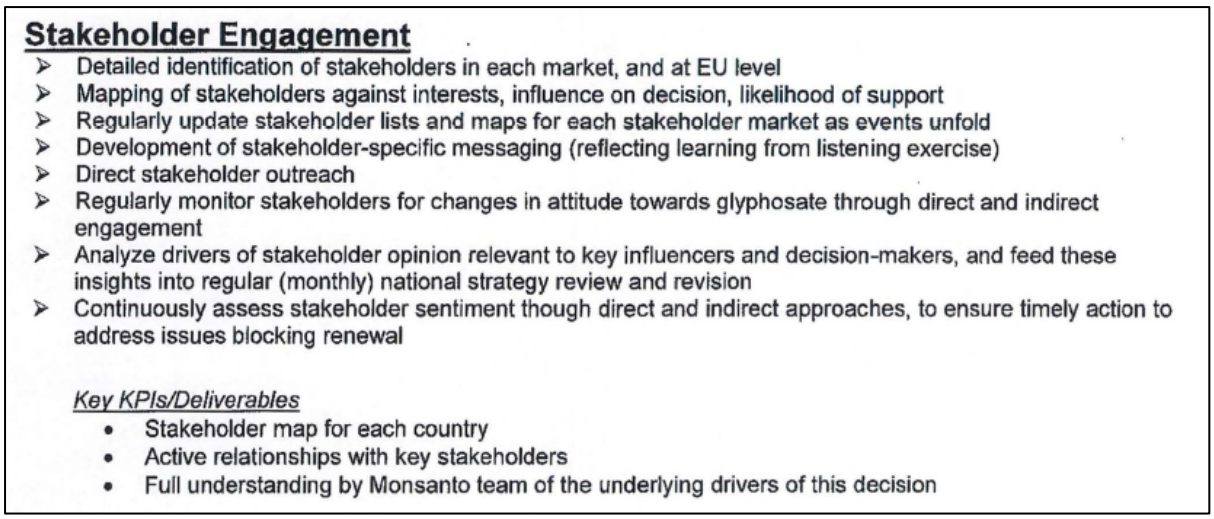
2. Retention of FleishmanHillard

Monsanto did not have a large EU public relations department. As a result, in October 2016, the company engaged Fleishman to serve as lead public relations agency and project manager for the Renewal Campaign. The signed statement of work ("2016 SOW")[34] specified that Fleishman was responsible for the following stakeholder engagement work:

[32] *See* EUR. COMMISSION, *Commission Implementing Regulation (EU) 2017/2324 of 12 December 2017 renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011*, 333 OFFICIAL J. EUR. UNION 10 (2017), https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1513679672002&uri=CELEX:32017R2324.

[33] For example, in support of the EU renewal of glyphosate, the Glyphosate Task Force was created and comprised of representatives from 22 companies within the industry. For additional information regarding the Glyphosate Task Force *see Glyphosate Facts*, GLYPHOSATE.EU (last visited 14 Aug. 2019), http://www.glyphosate.eu/.

[34] *See* Exhibit A for a copy of the 2016 SOW. (Note: Personal information and proprietary business information regarding rates and rebates was redacted as confidential.)



Stakeholder Engagement

- Detailed identification of stakeholders in each market, and at EU level
- Mapping of stakeholders against interests, influence on decision, likelihood of support
- Regularly update stakeholder lists and maps for each stakeholder market as events unfold
- Development of stakeholder-specific messaging (reflecting learning from listening exercise)
- Direct stakeholder outreach
- Regularly monitor stakeholders for changes in attitude towards glyphosate through direct and indirect engagement
- Analyze drivers of stakeholder opinion relevant to key influencers and decision-makers, and feed these insights into regular (monthly) national strategy review and revision
- Continuously assess stakeholder sentiment though direct and indirect approaches, to ensure timely action to address issues blocking renewal

Key KPIs/Deliverables

- Stakeholder map for each country
- Active relationships with key stakeholders
- Full understanding by Monsanto team of the underlying drivers of this decision

The efforts were focused on stakeholders from key Member States, including France, Germany, Italy, Poland, the Netherlands, Spain, and the UK, as well as on EU institution stakeholders. Because Fleishman did not have resources in all of these countries, in some cases, Fleishman contracted with and managed local agencies and vendors to support the Campaign. This included, for example, Publicis, which worked on the Campaign in France for a short period. Other agencies were engaged by Fleishman for support in the Netherlands, Italy, and Spain.

3. Stakeholder Lists

Our investigation did not identify anything illegal about using stakeholder lists. Stakeholder lists—also referred to as a "stakeholder analyses," "stakeholder databases," or "stakeholder maps"—are a common method of analysis used in business; managerial science; public policy and program development; government, public, and legislative affairs;[35] natural

[35] For example, in a recent decision of the *Deutscher Rat für Public Relations* ("DRPR"), the DRPR concluded that the Campaign lists "proved to be common tools for fostering dialogue. In the view of the DRPR, it is perfectly legitimate, today and in the future, to create lists on individual interest groups, and to assess the attitude of individuals to specific topics. This equally applies to the research of existing topic interests, previous comments or possible points of contact (e.g., trade fairs, industry forums, etc.). Likewise, the DRPR considers it legitimate to derive possible measures from these lists, and to schedule meetings and document them. Such stakeholder lists are based on publicly available sources or personal experiences, such as from the documentation of panel discussions or individual conversations. The DRPR considers it appropriate industry practice to take note of personal impressions in the form of comments." DEUTSCHEN RAT FÜR PUBLIC RELATIONS, *Presseinformation, DRPR sieht kein Fehlverhalten bei Monsanto-Listen* (trans. from German) (18 Jul. 2019), http://drpr-online.de/wp-content/uploads/2019/07/2019-07-15-PM-MonsantoListen.pdf.

resource management; social sciences; conflict resolution; and other areas.[36] There is significant literature on the subject going back decades. A stakeholder list can be viewed as "a way of understanding a system through its stakeholders. It looks at their interest[s], objectives, power and relationships."[37] We did not find the use of such analyses limited to for-profit corporations. For example, the World Health Organization published a guide on preparing stakeholder analyses as a way of "systematically gathering and analyzing qualitative information to determine whose interests should be taken into account when developing and/or implementing a policy or program."[38]

B. Development of Campaign Stakeholder Lists

1. Overview

Based on our review, Fleishman executed its responsibilities as outlined in the 2016 SOW it concluded with Monsanto. Fleishman developed templates for the Campaign stakeholder lists and identified stakeholders it believed should be included on the lists.[39] In some countries, this work was supported by local public relations agencies subcontracted by Fleishman.

We identified instances in which Monsanto provided input on the formatting or content of the stakeholder lists after receiving them from Fleishman. In other cases, our search of Monsanto records indicated that Monsanto employees likely did not receive all versions or iterations of Campaign stakeholder lists. For example, we did not identify evidence of receipt by Monsanto of certain documents shown in the 16 May 2019 *Envoyé Spécial* report.

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[36] *See, e.g.*, D.M. Ketema, N. Chisholm & P. Enright, *Examining the Characteristics of Stakeholders in Lake Tana Sub-basin Resource Use, Management and Governance, Ch. 20 in* SOCIAL AND ECOLOGICAL SYSTEM DYNAMICS (K. Stave, G. Goshu & S. Aynalem eds., 2017).

[37] *Id.*

[38] *See, e.g.*, Kammi Schmeer, *Stakeholder Analysis Guidelines*, PARTNERSHIPS FOR HEALTH REFORM (10 Mar. 2001), https://www.who.int/workforcealliance/knowledge/toolkit/33.pdf.

[39] According to the metadata, the stakeholder lists Fleishman sent to Bayer at the beginning of the investigation were all "authored" by Fleishman employees. Sidley was unable to identify the original "author" of the remaining stakeholder list, though the individual is not a Monsanto employee.

Additionally, we did not find in Monsanto's files copies of the German "journalist" stakeholder lists presented by Fleishman to the *Deutscher Rat für Public Relations* ("DRPR")[40] or even exact versions of all the Excel spreadsheets Fleishman provided to Bayer in May 2019. This aligns with other documentation we reviewed that shows Fleishman had significant responsibility for developing, maintaining, and updating the stakeholder lists and other Campaign reports. Those documents were then used to brief Monsanto and determine a joint strategy with Monsanto team members.

Our review indicates that Fleishman developed Campaign stakeholder lists and identified potentially relevant stakeholders based on public information, its professional expertise, the knowledge and experience of its consultants, and pre-existing internal data sources and work product. Monsanto employees worked collaboratively with Fleishman on the stakeholder lists that were prepared.

For example, before the 2016 SOW and Campaign kickoff, a Fleishman employee sent a pre-existing list of stakeholders to a Monsanto project lead. The metadata associated with this list stated that the file was originally created in 2011 by Fleishman. The list contained over 1,000 rows of data that included information on a broad range of issues—*e.g.*, agriculture, pesticides, climate change, food safety and security, etc. Although our review indicates that this document ultimately was not used as the stakeholder list template for the Campaign, it appears pre-existing stakeholder data were leveraged as a starting point for creating the Campaign stakeholder lists. This is in fact the reason why companies hire public relations

[40] *See* DEUTSCHEN RAT FÜR PUBLIC RELATIONS, *Presseinformation, DRPR sieht kein Fehlverhalten bei Monsanto-Listen* (18 Jul. 2019), http://drpr-online.de/wp-content/uploads/2019/07/2019-07-15-PM-MonsantoListen.pdf. Neither Bayer nor Sidley knew about the review by DRPR of Fleishman files until DRPR's assessment was published in July 2019. Immediately after DRPR's report was released, Sidley requested from Fleishman copies of the documents Fleishman shared with the DRPR in order to evaluate them as part of Sidley's investigation. Fleishman only provided redacted versions of the files to Sidley, and these files did not include the stakeholders' personal data. We were, however, able to use information contained on the redacted documents to search legacy Monsanto's files for similar files. We did not find a copy of Fleishman's German journalist list in legacy Monsanto's files, and the list appears to have been created or last modified after the Renewal Campaign because it includes notes with dates in 2018

firms—because of their expertise and experience understanding the critical relationships affecting their businesses.

Fleishman had strategic and day-to-day roles in running the Campaign. For example, a project tracker from August 2017 lists 59 different Fleishman and sub-agency contacts that were staffed on the Campaign. The same document includes 13 Monsanto contacts. Fleishman tracked the progress of stakeholder activities in various reports, and held monthly and quarterly update meetings with Monsanto to discuss developments and progress and to define strategy. Monsanto worked closely with Fleishman on overall strategy and approach—and Monsanto employees working with Fleishman on the Campaign were involved in stakeholder engagement activities—but Monsanto relied extensively on Fleishman's and other sub-agencies' professional expertise and competence in developing the Campaign stakeholder lists and in conducting stakeholder engagement.

2. Allegations Regarding the Development of Stakeholder Lists

As summarized above (*see supra* Section II.A**)**, French media reports alleged that Campaign stakeholder lists contained non-public information. After detailed review of identified Campaign stakeholder lists, thousands of email communications among Fleishman, Monsanto and sub-agency employees, and public statements and information about relevant stakeholders, we did not find evidence that either Fleishman or Monsanto used or relied on "secretive" sources of information in developing the stakeholder lists.

Our review indicates that information on stakeholder lists generally was based on publicly available sources. Fleishman reviewed press articles, news feeds, speeches, public statements, and legislative and committee activity. For example, Fleishman distributed daily and weekly reports summarizing recent news articles relating to the renewal of glyphosate's EU approval. This information was used to make assessments about stakeholders' relative positions regarding the renewal of glyphosate's EU approval. The Campaign also obtained

information through the review of relevant public social media accounts, *e.g.*, Facebook, Twitter, blogs, etc. For example, it appears a stakeholder was identified after a link to a news report was shared extensively via Twitter. In some cases, it appears that information was also based on the experience and views of Campaign team members, for example, from meetings or contacts with stakeholders. However, we found no evidence that illegal practices were used to compile data summarized in Campaign stakeholder lists.

As part of our review, we attempted to compare information contained in Campaign stakeholder lists with information about stakeholders in the public domain. We found that information recorded in stakeholder lists was often manifestly public or otherwise reflected in internal opinions or assessments based on publicly available information. In fact, some Campaign stakeholder lists specifically identified how assessments were made about a stakeholder's position on glyphosate (so-called "position intelligence") and identified sources like "public statement," "media monitoring," "written questions to government," or "statement during committee session."

C. Data on Campaign Stakeholder Lists

1. Overview

Sidley's analysis of Campaign stakeholder lists is based on two sources of information: (i) the fourteen documents provided by Fleishman to Bayer shortly after the French media stories (*see supra* Section II.C.2.a); and (ii) stakeholder engagement documents and communications identified in legacy Monsanto's files during Sidley's investigation. Within these sources, we identified two general types of Campaign stakeholder lists: Microsoft Excel spreadsheets and other "lists" or "maps" used for Campaign stakeholder engagement planning (*e.g.*, Microsoft PowerPoint or other documents). However, the vast majority of Campaign stakeholder lists we identified were spreadsheets.

Although these spreadsheets varied between Campaign countries, many of the Excel documents we identified carried the title: "Glyphosate Target Stakeholder Database." The format of these spreadsheets is similar and appears to be the standard format used for Campaign stakeholder lists. This format is consistent with the documents provided by Fleishman in May 2019, and Fleishman has represented that the Excel documents provided to Bayer in May 2019 constitute the most recent versions of the "glyphosate target stakeholder databases" prepared for the Campaign.

Because we reviewed a large number of documents, many of the stakeholder lists we reviewed were simply versions of lists circulated at various points in time during the Campaign. We considered and evaluated the data contained on each of the versions identified. We also had our technology vendor compare the stakeholders identified across various versions of the lists in order make our assessment as comprehensive as possible. This analysis is limited to documents we identified in legacy Monsanto files—and, as mentioned, we do not believe that each version or stakeholder list necessarily was transmitted to Monsanto during the Campaign because these files were "working documents" and we could not, in every case, locate exact copies of all the documents provided by Fleishman in May 2019.

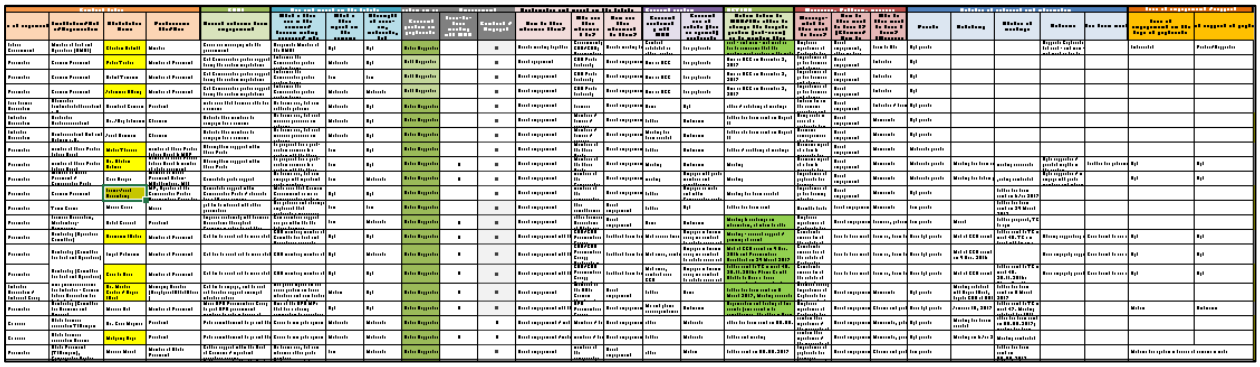
Campaign stakeholder lists generally were prepared by jurisdiction—*i.e.*, France, Germany, Italy, Poland, the Netherlands, Spain, and the UK. Fleishman also prepared stakeholder lists involving stakeholders/delegates from other countries working at or with EU institutions. These lists included stakeholders from other countries and EU Member States, including for example, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Lithuania, Malta, Portugal, Slovakia, Sweden, the U.S., and Switzerland.

Although each list differs, in general the lists contain various types of stakeholders, including politicians, government administrators, regulators, farmers, glyphosate users,

industry/trade association representatives, journalists, non-governmental organizations, interest groups, academics, scientists, etc. In some cases, we identified lists focused on specific types of stakeholders—*e.g.*, academics and medical professionals. Some lists were also significantly less detailed than others. For example, the stakeholder lists relating to the Netherlands only included 22 journalists with their business email address and no further information.

2. Glyphosate Target Stakeholder Databases

The most common type of Campaign stakeholder lists we identified were the Microsoft Excel spreadsheets titled "Glyphosate Target Stakeholder Database." These Jurisdiction-specific lists generally used the same or similar headings and the same color-coding scheme—*i.e.*, this was the template Fleishman developed for the Campaign. Below is a high-level screenshot of what this type of stakeholder list may look like if printed:



Each spreadsheet generally included various section headings like:[41] "contact details," "current position on GLY," "influence and relationships," "action," "messages, platform, message carrier," "schedule of outreach and information," and "level of engagement / support." Under each section heading, there were additional columns containing further information

[41] Headings were not always titled identically among the various Campaign countries, and in some cases one country team may have included more/less information than another. In general, however, the Campaign stakeholder lists contained similar data points.

relevant to the stakeholders. Screenshot examples of the representative sections in Campaign stakeholder lists are provided below.

(a) Contact Details

The "contact details" section included basic personal data about a stakeholder's position and organizational affiliation. The vast majority of stakeholder lists we identified did not include any physical or electronic contact address or phone number.

Contact details			
Type of organisation	**Institution/Body/Organisation**	**Stakeholder Name**	**Professional title/Role**
Parliament	National Assembly	[redacted]	MP for [redacted]
Traditional & Digital Media	[redacted]	[redacted]	Journalist economy

In the isolated cases where addresses, phone numbers, or social media profile addresses were included, our research indicated that the entries generally reflected personal data readily available in the public domain. For example, the below addresses are official governmental addresses:

Contacts
Ministère de l'Agriculture 78 Rue de Varenne, 75007 Paris Telephone : 01 49 55 49 55 Twitter : [redacted]
Ministère de la Transition écologique et solidaire 246 Boulevard de Saint Germain Tel : 01 40 81 21 22 75007 Paris Twitter : [redacted]
Ministère de l'Économie et des Finances 139, rue de Bercy - 75012 PARIS Tel : 01 40 04 04 04 Twitter : [redacted]

(b) Current Position

The "current position" sections provided an assessment of the stakeholder's position regarding glyphosate (*e.g.*, supportive, moderate, etc.) that appears to be based on publicly available statements and information. Campaign teams often used color-coding as short-hand to signify the stakeholder's position. For example, the German stakeholder list provided by Fleishman included the below legend, and other lists used similar color coding:

Position on Glyphosate	
Strongly Against	Outspoken activist against glyphosate, not moveable
Against	Against glyphosate, potentially movable
Undecided	
Quiet Supporter	Pro glyphosate but not publically/vocally supportive
Active Supporter	Active and outspoken supporter
Unknown	We don't know their position

(c) Influence and Relationships

Other sections of the stakeholder lists assessed how stakeholders could potentially influence the renewal process. Examples include:

Influence and relationships						
What is their role in the renewal/ decision making process/ why are we targeting them?	**What is their impact on the renewal process- High, Moderate, Low**	**Strength of voice- low, moderate, high**	**Who do they influence?**	**How do they influence them?**	**Who are they influenced by?**	**How are they influenced by them?**
Influencer (scientific perspective on Conserv. Agric.)	Low	Low	Ministry of Agriculture (MAPAMA)	They are recognized research institutions on the field	By their own scientists and researchers	
Influencer (part of the chain value)	Moderate	Moderate	Ministry of Agriculture (MAPAMA)	1. Direct contact 2. Joining to initiatives in support of GLY	By MON	
Key influencers (they are representatives of main GLY users in front of the Government)	High	High	To the Government/Admin.	They have a direct contact with the Goverment/Admin.	By the industry	Direct contact

Influence and relationships						
What is their role in the renewal/ decision making process/ why are we targeting them?	**What is their impact on the renewal process- High, Moderate, Low**	**Strength of voice- low, moderate, high**	**Who do they influence?**	**How do they influence them?**	**Who are they influenced by?**	**How are they influenced by them?**
Regulatory and talk to trade association and media	high	high	Scientific research, talk to media, institutions, scientific community	regulatory	politc parties/industry associations/bio associations	giving guidelines at main national, regional congress/events and through media relations;

Influence and relationships						
What is their role in the renewal/ decision making process/ why are we targeting them?	**What is their impact on the renewal process- High, Moderate, Low**	**Strength of voice- low, moderate, high**	**Who do they influence?**	**How do they influence them?**	**Who are they influenced by?**	**How are they influenced by them?**
Winemakers lobby	High	High	Government & politicians		Winemakers	Discussions, demonstrations, letters and calls
Competent opinion	High	moderate	Agriculture Ministry	reports & study	Winemakers	demonstrations
Provides thematic notes, particularly focused on transportation and viticulture	Moderate	High	[redacted]	Memos	Farmers syndicate and winemaker	Discussions, demonstrations, letters and calls
One of [redacted] top advisor on agriculture	High	High	[redacted]	Memos	Farmers	Discussions, demonstrations, letters and calls
Works at [redacted] Agriculture team	Very high	High	[redacted]	Discussions	winemakers and hunters federation	Discussions, demonstrations, letters and calls

Influence and relationships						
What is their role in the renewal/ decision making process/ why are we targeting them?	**What is their impact on the renewal process- High, Moderate, Low**	**Strength of voice- low, moderate, high**	**Who do they influence?**	**How do they influence them?**	**Who are they influenced by?**	**How are they influenced by them?**
Competent opinion	High	moderate	Agriculture Ministry	reports & study	Winemakers	demonstrations
Competent opinion	High	Moderate	Health Ministry, [redacted]	Memos	Competent Authority, Experts, Businesses & Farmers	Memos, Surveys & Demonstrations
Competent opinion	High	Low	Agriculture Ministry	Memos	General Public, Competent Authority, Experts & Farmers	Memos, Surveys & Demonstrations
Advisor on health issues	Moderate	High	[redacted]	Memos	Doctors	Discussions

Influence and relationships						
What is their role in the renewal/ decision making process/ why are we targeting them?	**What is their impact on the renewal process- High, Moderate, Low**	**Strength of voice- low, moderate, high**	**Who do they influence?**	**How do they influence them?**	**Who are they influenced by?**	**How are they influenced by them?**
Shapes the position of towns and municipalities all over Germany	Low	Low	Regional communities / towns / Municipalities in North Rhine Westphalia / industry	Direct engagement	Industry & state level politicians	Direct engagement
Shapes the position of towns and municipalities all over Germany	Moderate	Moderate	Regional communities / towns / Municipalities - accross party lines	Direct engagement	Local politics and interetsts	Direct engagement
Has great impact on the overall position on divers industries and can foster support amongst stakeholders within chemical industry and agriculture	Medium	High	Industry & German Federal Ministry of Finance	Direct engagement	Members of the BDI: German Ministry of Finance	Direct engagement

(d) Goal or Action

"Goal" or "action" columns typically described the preferred engagement outcome. Below are examples of entries in this section from various stakeholder lists:

GOAL
Desired outcome from engagement
Consolidate support within Conservative Party / advocate for a 15 year renewal
Make sure that he has all the arguments at hand, and is well-informed / push 15 year renewal
Get her to switch to neutral stance
Reinforce support within the Conservative Party
Ensure that Social Democrats in the East of Germany are supportive

GOAL
Desired outcome from engagement
Consolidate party support
get him to interact with other policymakers
Improve relationship with Farmers Associations throughout Germany in order to get their support
Get him to reach out to more stakeholders, to talk to MPs from other parties and convince them of the use of Glyphosate

GOAL
Desired outcome from engagement
Make sure that he has all the arguments at hand, and is well-informed / push 15 year renewal
Get him to engage in favor of gly
Ensure that he is well-informed
Get her to lobby for a renewal within Social Democrats
Get her to reach out to more stakeholders, to talk to MPs from other parties and convince them of the use of Glyphosate

(e) Messages, Platform, Message carrier

Information under the "messages, platform, message carrier" section provided recommendations regarding messaging relevant to the stakeholder. For example:

Messages, Platform, message carrrier		
Message- what do they need to hear?	**How do they need to hear it? (Channel/How to engage/platform for engagement)**	**Who do they need to hear it from? (Message carrier)**
Rising costs in case of y glyphosate ban	Direct engagement	Monsanto
Inform him on the renewal procedure and make sure that he activates farmers	Direct engagement	Industry / farmers
Economic consequences of a ban	Direct engagement	Monsanto

Messages, Platform, message carrrier		
Message- what do they need to hear?	**How do they need to hear it? (Channel/How to engage/platform for engagement)**	**Who do they need to hear it from? (Message carrier)**
Importance of gly for farmers, especially vineyard owners	Direct engagement	Farmers
Readmission of Glyphosate in Europe is a signal for all other chemical active ingredients in European Agriculture. Sooner or later, this will also have an impact on US agriculture.	direct engagement	US Industry
Non-renewal would lead to increased costs - higher costs for the final product; non-renewal could become a case of precedent	Direct engagement	Industry
Stress that the scientific facts point in a positive direction as regards the health and environmental impact of Glyphosate	Outreach via [redacted]	

Messages, Platform, message carrrier		
Message- what do they need to hear?	**How do they need to hear it? (Channel/How to engage/platform for engagement)**	**Who do they need to hear it from? (Message carrier)**
Stress the importance of Glyphosate for the German Chemical Industry and the fact that the renewal decision on Glyphosate could be a precedent for other upcoming renewal procedures	Direct engagement	Monsanto
Emphazise the fact that the Official agencies all over the world have found Glyphosate to be of no concern for human health and the environment. Underline scientific facts	Direct engagement	Monsanto
Underline necessity for global food security; scientifc facts	Direct engagement	Scientists,
Stress the relative safety of Glyphosate in comparison to other herbizides and underline ist environmental advanatges	Direct engagement	Monsanto

(f) Schedule of Outreach and Information

Our review indicates that the stakeholder lists were considered "living" documents and were used to plan and track stakeholder engagement and outreach activities. The lists varied by Campaign-country, but generally included the following data columns related to engagement outreach:

Schedule of outreach and information				
Priority	**Scheduling**	**Status of meetings**	**Outcome**	**Notes from meeting**

Further information about stakeholder engagement activities is discussed *infra* Section III.D.

(g) Level of Engagement / Support

In some cases, Campaign stakeholder lists included an assessment of the stakeholders' relative level of "engagement" in the glyphosate debate and/or support for glyphosate. The classifications and assessments in such a section (if any) varied across the country Campaign teams. An example screenshot is provided below, but example descriptions to describe stakeholder engagement included: neutral, engaged, high, positive, anti, swing/movable, medium, apathetic, outspoken support, hostile, interested, supporter.

Level of engagement /support	
Level of engagement on the topic of glyphosate	**Level of support of glyphosate**
Moderate	High

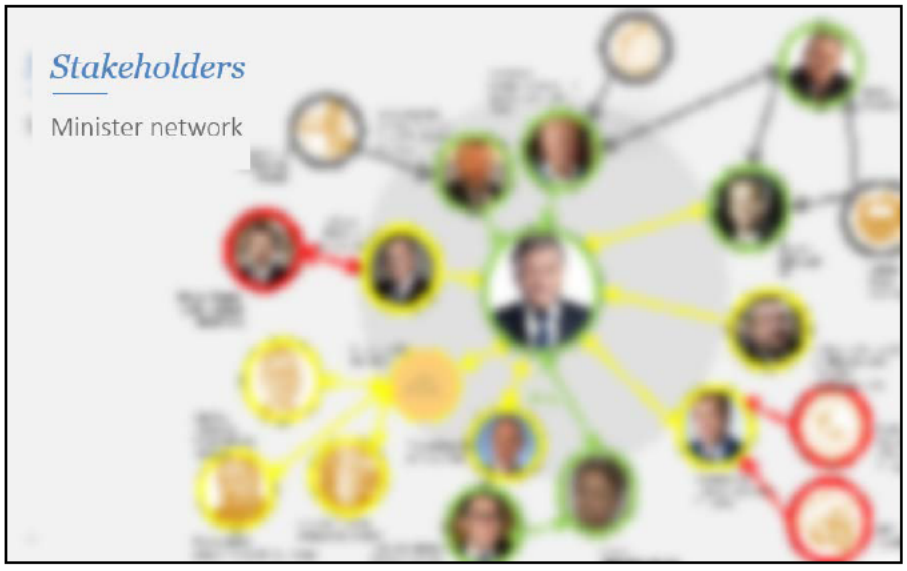
3. Other Types of Stakeholder Lists

We took a broad view in assessing Campaign-related documentation, and our factual findings are based on the totality of the information we reviewed. That is, our factual findings are not limited to the review of Microsoft Excel spreadsheets bearing the title "Glyphosate

Target Stakeholder Databases"; we also reviewed correspondence and other documents to understand the context and background of the Campaign stakeholder lists.

During this review, we identified Campaign-related documents that differed visually and structurally from the "Glyphosate Target Stakeholder Databases." In some cases, the format of certain stakeholder lists appears to have evolved during the Campaign. In other cases, versions of Campaign lists appear to represent simplifications or summaries of existing data. In yet other cases, Campaign teams developed different methods to summarize or report on stakeholder engagement activities and strategy.

For example, we identified some visualizations or charts describing stakeholder relationships. Such presentations (*e.g.*, Microsoft PowerPoint documents) included very limited information on stakeholders, such as their name, role, and relationships to other stakeholders (by means of arrows and lines). For example, the below diagram (redacted) apparently was used to visualize a minister network relevant to the renewal of glyphosate's EU approval:



While it is not feasible to discuss or provide examples of each of the thousands of documents we reviewed as part of our investigation, we considered and assessed the

stakeholder-related information (if any) contained in each of the documents we reviewed. Our factual findings are therefore based on a deep and broad view of Campaign activities.

4. Allegations Regarding Data on Campaign Stakeholder Lists

Our investigation did not substantiate the allegations raised by the media about the data contained in Campaign stakeholder lists.[42] As summarized above (*see supra* Section II.A**)**, the French media suggested that, based on their review of leaked documentation, Campaign stakeholder lists contained: (i) private addresses and contact details of stakeholders, (ii) philosophical opinions of stakeholders, (iii) political opinions of stakeholders, and/or (iv) information about stakeholders' leisure pursuits and hobbies.

(a) Private Addresses and Contact Details

We did not find Campaign stakeholder lists designed to track private addresses and contact details of the stakeholders. The Campaign stakeholder lists generally contained very limited personal data[43] revealing the identity of stakeholders—only their names, professional titles / roles, and the organization, government agency, institution, or company with which the stakeholder was affiliated. In the vast majority of cases we identified, Campaign stakeholder lists did not contain any physical or electronic contact details (email address, phone number, postal address, etc.). Where contact information was included, it was generally professional

[42] We also do not agree with the legal assertions that the press articles appear to make. For example, *France 2* suggested that, in order to create the Campaign stakeholder lists, personal data were used that were not in the public domain. EU data protection law does not flatly prevent organizations from processing personal data merely because that personal data may not be publicly available (*e.g.*, notes from a meeting with a stakeholder). Similarly, the *Le Monde* article suggests that the Campaign stakeholder lists are illegal if they reveal personal data—specifically political or philosophical opinions—without the stakeholders' consent. However, the collection and further processing of personal data, including political or philosophical opinions, may be based on legal grounds and exemptions other than consent.

[43] "*Personal data*" refers to any information relating to an identified or identifiable natural person. *See* Article 2(a) of *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*, 281 OFFICIAL J. EUR. UNION 31 (1995), http://data.europa.eu/eli/dir/1995/46/2003-11-20 ("Data Protection Directive"), which was in force at the time of the Campaign. This is now reflected in Article 4(1) of *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)* 119 OFFICIAL J. EUR. UNION 1 (2016), http://data.europa.eu/eli/reg/2016/679/oj ("GDPR"), currently in force.

(not private) contact details that were available in the public domain—*e.g.*, "stakeholder_name"@europarl.europa.eu or the official address of the stakeholder's organization.

(b) Philosophical Opinion Data

Contrary to French media assertions, we also found no Campaign stakeholder lists that contained stakeholders' philosophical opinions.[44] EU data protection law includes "special categories" of personal data that require additional protection, including "*personal data revealing […] religious or philosophical beliefs*."[45] The specific phrasing appears designed to ensure that various belief systems (*e.g.*, atheism) are protected in the same way as, for example, a mainstream religious belief. We also found no authority or plain language in EU data protection law to suggest that the concept of "philosophical beliefs" is so broad as to encompass views about a particular chemical compound, a technology, or a company. Even so, as discussed above, we found that Fleishman's and/or Monsanto's assessments about stakeholder views (so-called "position intelligence") relied primarily on publicly available information. EU data protection law at the time (and today) allowed for processing of "special categories" of personal data on the basis of various legal grounds and exemptions, such as where the data has been made public by the individual.[46]

(c) Political Opinion Data

We did not identify Campaign stakeholder lists designed to track information about stakeholders' political affiliations (*i.e.*, there were no separate data columns for this type of data in the lists). Some Campaign stakeholder lists contained limited information about

[44] We likewise found no Campaign stakeholder lists that revealed information about a stakeholder's racial or ethnic origin, trade union membership, health, sex life, or sexual orientation. Together with personal data revealing political opinions and philosophical beliefs, these types of personal data are considered "special categories" of personal data under EU data protection law. *See* Article 8 of the Data Protection Directive. This is now reflected in Article 9 of the GDPR.

[45] *See* Article 8 of the Data Protection Directive. This is now reflected in Article 9 of the GDPR.

[46] *See* Article 8(2)(e) of the Data Protection Directive. This is now reflected in Article 9(2)(e) of the GDPR.

stakeholders' political affiliations (*e.g.*, member of the Green Party); however, the instances where political affiliations were mentioned all appear to involve politicians and other public figures whose political affiliation is in the public domain.

We found no authority or plain language in EU data protection law to suggest that views about a particular chemical compound, a technology, or a company would constitute "political opinion data." The additional protection given to "*personal data revealing […] political opinions*"[47] appears directed at data revealing the support of, or an orientation towards, a particular political party (*i.e.*, a "political affiliation"). We found no authority to suggest that a broader interpretation should apply.

Based on our review, there appear to be many reasons why a stakeholder may hold a particular view about glyphosate, but such reasons do not necessarily reveal a person's political opinion or affiliation. For example, the views of some farmers or other users of glyphosate may be influenced primarily by product- and cost-effectiveness considerations—not political considerations. Academics, healthcare professionals, and representatives of regulatory bodies may focus on different considerations, such as scientific or environmental data. Still other stakeholders may represent the views of the particular organization for which they work (but not share identical personal views). None of these views, however, reveal the stakeholders' political opinions or affiliations. We believe examination of the specific Campaign stakeholder data in question shows why potential stakeholder views on glyphosate do not constitute political opinion data.[48] That is, classification of a stakeholder into one of the following categories says nothing about why the stakeholder takes such a position and nothing about his or her political affiliation.

[47] *See* Article 8 of the Data Protection Directive. This is now reflected in Article 9 of the GDPR.

[48] *See supra* Section III.C.2.b.

Position on Glyphosate	
Strongly Against	Outspoken activist against glyphosate, not moveable
Against	Against glyphosate, potentially movable
Undecided	
Quiet Supporter	Pro glyphosate but not publically/vocally supportive
Active Supporter	Active and outspoken supporter
Unknown	We don't know their position

In any event, as discussed above, we found that Fleishman's and/or Monsanto's assessments about stakeholder views of glyphosate (so-called "position intelligence") relied primarily on publicly available information. As stated above, EU data protection law at the time (and today) allowed for processing of "special categories" of personal data on the basis of various legal grounds and exemptions, such as where the data has been made public by the individual.

(d) Information about Stakeholder Hobbies and Interests

We found no support for allegations that the Campaign stakeholder lists tracked stakeholders' personal hobbies, leisure activities, or other personal interests.[49] In all the documents we reviewed, we found one isolated reference to a UK stakeholder's personal interests. The document mentioned that a stakeholder had an interest in "shooting and country

[49] Our review indicates that French media may have considered or presented certain documents out of context. In particular, *L'Oeil du 20 heure* (*France 2*) stated that a leaked document "recommends finding out about their areas of interest: 'Do they have hobbies (golf, tennis, hunting?)'" *See L'Oeil du 20 heure*, *Glyphosate: des centaines de personnalités secrètement fichées et ciblées en fonction de leur soutien à Monsanto*, FRANCE 2 (9 May 2019), https://www.francetvinfo fr/monde/environnement/pesticides/glyphosate/glyphosate-des-centaines-de-personnalites-secretement-fichees-et-ciblees-en-fonction-de-leur-soutien-a-monsanto 3435581 html. The report implied that this was an untoward attempt to focus on stakeholder's personal interests in connection with lobbying. Although *France 2* did not share this document with Sidley, we did identify several documents that clearly discuss Campaign plans to focus on agricultural, municipal, and amenity users of glyphosate in order to support the renewal of glyphosate's EU approval. Amenity users would include sports facilities, soccer clubs, golf/tennis clubs, hunting clubs, etc. One document we identified makes this clear:

> "What will motivate each one to support renewal? What are the watchouts? Do they have agricultural interests? Leisure or other interests (golf, tennis, hunting, etc.)."
>
> "What is the range of [glyphosate] uses that you think can be best leveraged to reach new allies? (farm, forest, railways, highways, monuments, landscaping, leisure (tennis, golf, etc), chemical companies, industry, interests, etc.)"

sports" and that he liked his dog. Research using public resources indicated, however, that the individual in question was active in posting about hunting and his hunting dog on social media. We found no support for broad-based allegations that Fleishman or Monsanto collected personal information about stakeholder interests and hobbies.

D. Use of Campaign Stakeholder Lists

1. Overview

Fleishman's duties under the 2016 SOW (*see supra* Section III.A.2) included, *inter alia*, supporting the Campaign through the development of "stakeholder-specific messaging," "direct stakeholder outreach," and "continuously assessing stakeholder sentiment through direct and indirect approaches." Stakeholder engagement was planned and tracked through the Campaign stakeholder lists and related project-planning documents. As summarized above (*see supra* Section III.C.2), specific sections of the lists included details about what actions to take, what messages to convey, and the scheduling, status, and outcome of stakeholder contacts.

The "schedule of outreach and information" columns in the stakeholder lists provided insight into the outreach (if any) to each stakeholder. The columns included information about meetings and indicated the priority of such meetings, logistic information (*e.g.*, dates and times of scheduled meetings, information about when letters were sent to a stakeholder and by whom, or a note that a meeting was rejected), and feedback on the meetings that had already taken place. Below are several examples of the data in these outreach sections of the stakeholder lists:

Schedule of outreach and information				
Priority	**Scheduling**	**Status of meetings**	**Outcome**	**Notes from meeting**
high priority	met during the Global Food Forum	met during the Global Food Forum	informed about impact of the use of GLY	Try to schedule another meeting with [redacted] support
medium priority	met in June and July 2016	done	picked up the request to open a dialogue with the [redacted]	

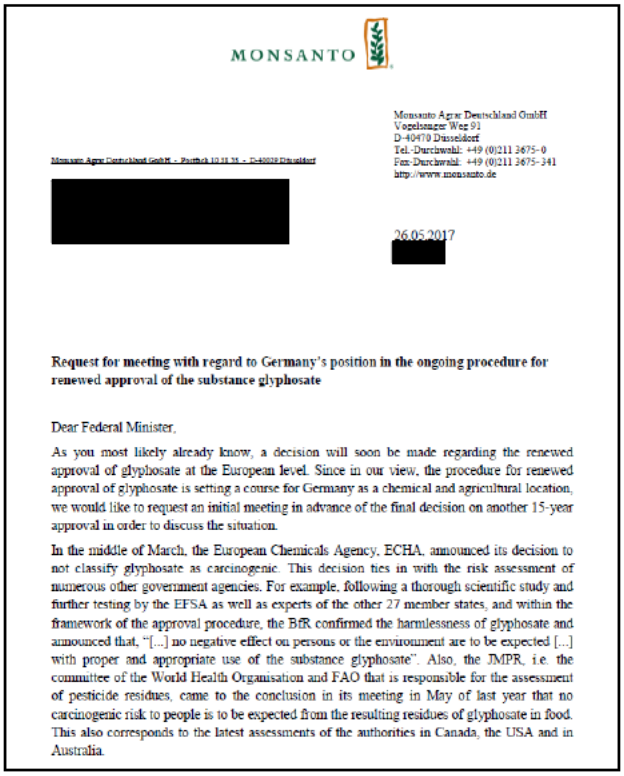
Schedule of outreach and information				
Priority	**Scheduling**	**Status of meetings**	**Outcome**	**Notes from meeting**
Moderate priority	Meeting has been conducted on September 26	meeting successful	Highly supportive / provided insiights in the coalition procedure	Further key politicians within the Liberal Party
Low priority	Meeting	Meeting conducted	Highly supportive of renewal for 15 years	
Very high priority		Second letter on 2 March 2017; meeting declined on 22.03.2017	Neutral response to first outreach	Does not want to meet us, because he does not want to get involved
High priority	Meeting on 11.07.2017	Meeting conducted	Chancellery is supportive: will push for a renewal albeit only for 10 years	Commission proposal has been sent to Member States

Schedule of outreach and information				
Priority	**Scheduling**	**Status of meetings**	**Outcome**	**Notes from meeting**
High priority		Letter sent on 22.03.2017		
Very high priority		Letter sent by [redacted] in week 44. 2016.11.17: Phone Call with [redacted]	Meeting request rejected since issue is not in his area of responsibility	Recommended to contact [redacted] responsible for agriculture budget

It appears that engagement efforts were planned and implemented by Fleishman and the sub-agencies in close coordination with the Monsanto country teams. Efforts included direct contact with certain stakeholders, such as face-to-face meetings. In some instances, these meetings were attended by personnel from Monsanto, Fleishman and sub-agencies; in other cases, only Fleishman's, only a sub-agency's, or only Monsanto's representatives participated in the meetings. We understand that one of the key elements of the stakeholder mapping process was to determine who was best placed to convey messages to the stakeholders.

During these meetings, representatives from Fleishman and/or Monsanto would attempt to gauge the stakeholders' sentiment on glyphosate and present relevant scientific evidence and messaging to the stakeholders in support of the renewal of glyphosate's EU approval. The outcome of the meeting and any intelligence gathered during the meeting would be reflected in the Campaign stakeholder lists, and periodically discussed by the Campaign teams to determine the appropriate follow up.

In addition to arranging in-person meetings, the Campaign teams reached out to stakeholders through phone calls and letters, or by providing scientific reports / impact studies. For example, at one point, Fleishmann and Monsanto sent scientific assessments and information to influential academics and medical professionals. Another example of a communication sent to stakeholders is the below letter sent to a Federal Minister in Germany regarding the classification of glyphosate:



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[redacted]

26.05.2017

Request for meeting with regard to Germany's position in the ongoing procedure for renewed approval of the substance glyphosate

Dear Federal Minister,

As you most likely already know, a decision will soon be made regarding the renewed approval of glyphosate at the European level. Since in our view, the procedure for renewed approval of glyphosate is setting a course for Germany as a chemical and agricultural location, we would like to request an initial meeting in advance of the final decision on another 15-year approval in order to discuss the situation.

In the middle of March, the European Chemicals Agency, ECHA, announced its decision to not classify glyphosate as carcinogenic. This decision ties in with the risk assessment of numerous other government agencies. For example, following a thorough scientific study and further testing by the EFSA as well as experts of the other 27 member states, and within the framework of the approval procedure, the BfR confirmed the harmlessness of glyphosate and announced that, "[...] no negative effect on persons or the environment are to be expected [...] with proper and appropriate use of the substance glyphosate". Also, the JMPR, i.e. the committee of the World Health Organisation and FAO that is responsible for the assessment of pesticide residues, came to the conclusion in its meeting in May of last year that no carcinogenic risk to people is to be expected from the resulting residues of glyphosate in food. This also corresponds to the latest assessments of the authorities in Canada, the USA and in Australia.

The Campaign teams also used other approaches to present messaging to stakeholders. For example, in Spain some stakeholders were invited to workshops focused on the "economic, social and environmental impact of glyphosate in Spain."

2. Allegations Regarding the Use of Stakeholder Lists

As summarized above (*see supra* Section II.A**)**, some media reports imply that Campaign outreach efforts to stakeholders may have been improper and/or may have sought to improperly influence stakeholders.[50] *France 2* suggests that the leaked documents contain information pertaining to stakeholder hobbies in order to determine a potential opportunity for outreach, asserting that a leaked document "recommends to learn about their centers of interest: 'Do they have leisure interests (golf, tennis, hunting)?'"[51] We did not find any evidence that stakeholder outreach efforts involved leisure activities, and the media has not identified any instances in which this occurred.

Contrary to media reports, we did not find evidence that Campaign stakeholder lists were designed to contain or actually contained information related to stakeholders' personal interests and hobbies. In Section III.D, we provided examples of the outreach activities recorded in the lists and carried out by Fleishmann and Monsanto in connection with the Campaign. Stakeholders on the lists have been invited to request specific data about them, and can make this assessment for themselves.

Our investigation did not identify communications or discussions among Monsanto employees or between Monsanto and Fleishman employees about potential stakeholder outreach involving leisure activities (*i.e.*, golf, tennis, hunting). To the contrary, we identified

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[50] *See* Stéphane Foucart & Stéphane Horel, "*Fichier Monsanto*": *des dizaines de personnalités classées illégalement selon leur position sur le glyphosate*, LE MONDE (9 May 2019), https://www.lemonde.fr/planete/article/2019/05/09/fichier-monsanto-des-dizaines-de-personnalites-classees-illegalement-selon-leur-position-sur-le-glyphosate_5460190_3244.html.

[51] *See L'Oeil du 20 heure, Glyphosate: des centaines de personnalités secrètement fichées et ciblées en fonction de leur soutien à Monsanto*, FRANCE 2 (9 May 2019), https://www.francetvinfo fr/monde/environnement/pesticides/glyphosate/glyphosate-des-centaines-de-personnalites-secretement-fichees-et-ciblees-en-fonction-de-leur-soutien-a-monsanto_3435581 html.

many communications emphasizing the importance of compliance with applicable laws and professional standards. Monsanto specifically required Fleishman to contractually commit to observing all applicable laws, including anticorruption laws, and Monsanto's anticorruption policies. In addition, Monsanto expected Fleishman to administer specific anticorruption compliance training to all Fleishman and sub-agency employees who participated in the Campaign.

In short, after analyzing Campaign stakeholder lists, thousands of Campaign-related documents and communications, and Campaign-related expense data, we did not find evidence that Fleishman or Monsanto organized entertainment or leisure activities to engage stakeholders. Our findings suggest that the media documents regarding stakeholder "hobbies" were either taken out of context, or misinterpreted.[52]

IV. CONCLUSION

We have conducted a thorough investigation of the allegations raised by the French media in May 2019 regarding the existence, scope, and use of stakeholder lists in connection with the Renewal Campaign. Although the French media correctly reported that Monsanto retained Fleishman to support its Renewal Campaign, we did not find evidence to corroborate the French media's allegations regarding the illegality of the Campaign stakeholder lists.

[52] *See supra* n.49.

EXHIBIT A

Amendment No. 7
STATEMENT OF WORK
Monsanto Company
and Fleishman-Hillard Inc.
SOW Effective Date: October 15, 2016

This Statement of Work ("SOW") is governed by and made part of the Services Agreement ("Agreement") by and between Monsanto Company ("Monsanto") and Fleishman-Hillard Inc., using the trademark FleishmanHillard ("Agency"), dated as of July 18, 2013. This SOW is effective as of the SOW Effective Date above and unless otherwise defined herein, all capitalized terms in this SOW have the same meanings as defined in the Agreement.

ASSIGNMENT/ PROJECT NAME	**FTO Glyphosate Renewal Campaign**
SOW TERM	October 15, 2016 through December 31, 2017
SOW PROJECT CONTACTS	Monsanto contacts: [redacted] FleishmanHillard contact: [redacted]
FY17 PROJECT TOTAL Estimated Fees, costs, charges, and expenses	[redacted] (USD) *
NOTES AND SPECIAL OR ADDITIONAL TERMS AND CONDITIONS	* The above pricing represents initial good faith estimates; given that this is a "live" campaign taking place in circumstances that may require adjustment to achieve program goals. Total fees, costs, charges, and expenses billed will not exceed [redacted] without prior written Monsanto approval.

[redacted]

Exhibit A

FleishmanHillard Glyphosate Renewal FTO SOW

October 1, 2016

Coordination/Project Management

- Weekly updates on budget spend and outcomes by market and activity, against market plans
- Development and implementation of a dashboard to show forward movement
- Daily interaction with Monsanto leads in Europe and US, as required
- Ongoing strategic counsel/support for Monsanto leads
- Actively follow up with campaign leads to ensure deliberate, rapid forward progress towards renewal in each market
- Real-time flagging of issues and problems to EME FTO leadership team
- Monthly activity summary for work across EU
- Management and payment of all vendors
- Support for key initiatives as identified by Monsanto leads
- Campaign messaging & narrative
- Development/planning/population of web properties
- Content creation (central & local materials)
- Development of research briefs to deliver credible economic and social impact assessments in each country
- Identification research partners and commission projects to deliver results
- Any proposed activity in any market that falls outside the scope of the original country plan must be raised and approved by the FTO leadership team before moving forward. If the idea adds to overall cost without adding demonstrable budget, it must be removed and discussed separately.

Key KPIs/Deliverables

- Weekly updates for Monsanto
- Monthly activity summaries
- Monthly report on metrics

Let Nothing Go (January 1, 2017 – December 31, 2017)

- Daily monitoring and reporting on media and social media coverage related to the campaign – compiled into a single, English-language report sent daily to campaign team
- Development of robust responses to negative or inaccurate coverage
- Responses to be agreed by MON and sent to originator of the coverage in an appropriate manner (e.g. direct intervention with journalists or editors; letters to the publication; direct response to twitter, Facebook, blog, etc.)
- On a monthly basis, analysis of the past month's coverage to gauge tone of debate and develop a database of interested journalists, active voices, arguments for and against glyphosate, and other useful information
- Development and support for responses and messaging in third party/grassroots channels

Key KPIs/Deliverables

- Daily monitoring reports
- Stories updated with Monsanto's point of view
- Database of journalists and commentators relevant to glyphosate coverage in Europe

Listening & Planning

- Direct meetings with key decision-makers to better understand national positions, political priorities and pressure points
- Development of a multi-audience, multi-channel, multi-tactic approach for each country designed to shift political support in favour of glyphosate renewal
- Deliver political analysis and assumptions as a basis for planning activities.

Key KPIs/Deliverables

- In-depth understanding of different national positions, pressures and politics
- Database of key decision-makers
- Detailed rolling plan to guide campaign actions

Stakeholder Engagement

- Detailed identification of stakeholders in each market, and at EU level
- Mapping of stakeholders against interests, influence on decision, likelihood of support
- Regularly update stakeholder lists and maps for each stakeholder market as events unfold
- Development of stakeholder-specific messaging (reflecting learning from listening exercise)
- Direct stakeholder outreach
- Regularly monitor stakeholders for changes in attitude towards glyphosate through direct and indirect engagement
- Analyze drivers of stakeholder opinion relevant to key influencers and decision-makers, and feed these insights into regular (monthly) national strategy review and revision
- Continuously assess stakeholder sentiment though direct and indirect approaches, to ensure timely action to address issues blocking renewal

Key KPIs/Deliverables

- Stakeholder map for each country
- Active relationships with key stakeholders
- Full understanding by Monsanto team of the underlying drivers of this decision

Grassroots mobilization

- Identify & recruit farmers and other users willing to speak out about their need for glyphosate
- Help grassroots recruits get their message to decision-makers in order to demonstrate political support for the product – including written letters, personal visits and demonstrations
- Identify vehicles, or create new ones, as needed to help grassroots supporters organize themselves.
- As required, create web properties and other collateral that can support the grassroots effort

Key KPIs/Deliverables

- Grassroots supporters identified
- Supporters are visibly active in support of glyphosate
- Support vehicle identified and active

Traditional and social media outreach

- Use media and social media channels as appropriate to amplify grassroots support
- Generate positive media and social media related to glyphosate (active search for opportunities)
- Identify politically influential media/social channels and ensure supportive noise
- Ensure analytical tools are in place to assess coverage and update

Key KPIs/Deliverables

- Social media includes supportive messages to aid in political outcomes
- Opportunities for positive or balanced media coverage followed up and captured
- Media and social media analysis report completed on a monthly basis

Climate outreach

- Develop argumentation related to the benefits of glyphosate related to climate change
- Map "non-traditional" stakeholders with an interest in sustainable agriculture
- Create case for benefits of sustainable agriculture, and glyphosate's role in that
- Activate climate advocates in support of sustainable agriculture

Key KPIs/Deliverables

- Identification of non-traditional allies across markets
- Expressions of support for glyphosate from non-traditional allies (e.g. climate activists)
- Case for climate-friendly agriculture begins to take hold

Both parties desire to affirm the Agreement and to amend or add certain provisions of the Agreement as stated below:

TERM: The term of this Agreement shall terminate on December 31, 2017. Any renewals or extensions of this agreement must be mutually agreed to in writing by Monsanto and Agency.

9. **TERMINATION-SUSPENSION.** Section #9 of the Agreement is amended to include this glyphosate renewal FTO. Either party may, at any time upon 60 days written notice to the other, terminate this Agreement including any outstanding SOW in whole or in part. In the event of such termination, Monsanto will reimburse Agency those fees and expenses not in excess of the amounts specified in this SOW, which were previously incurred by Agency in good faith in connection with the Services.

18. **HUMAN RIGHTS POLICY.** Supplier acknowledges that it has received and read Monsanto's Human Rights Policy and will conduct its business with Monsanto in compliance with applicable employment and labor laws. Supplier agrees to allow representatives of Monsanto or third parties to conduct audits of books, records and facilities utilized by Supplier's employees to determine Supplier's compliance with applicable employment and labor laws.

19. **COMPLIANCE WITH LAWS.** Supplier represents that the Services under this Agreement will comply with all Monsanto rules and site policies and all applicable state, federal and local laws, rules, regulations and executive orders. These include, but are not limited to Occupational Safety and Health Act, Fair Labor Standards Act, and environmental protection laws and regulations such as the Toxic Substances Control Act.

Monsanto is at times a Federal contractor and for the following clause Monsanto is referred to as Contractor and Fleishman Hillard is referred to as Subcontractor:

This contractor and subcontractor shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.

Other than as clarified and amended by this Amendment, the Agreement remains unchanged. This SOW is entered into as of the SOW Effective Date above on behalf of each party by its respective, duly authorized officer or representative.

Monsanto Company

[redacted]

Fleishman-Hillard Inc.

[redacted]