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## News Release

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### **Monsanto stakeholder lists: No evidence of illegal behaviour**

- Comprehensive investigation of the law firm Sidley Austin LLP completed and publicly available
- Lists included almost 1,500 individuals in several European countries
- Sidley Austin LLP assessed over 2.4 million documents – no “sensitive” information was tracked

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**Leverkusen, September 5, 2019** – The international law firm Sidley Austin LLP has completed its investigation of the so-called stakeholder lists. These lists were created in late 2016 and 2017 by the agency FleishmanHillard on behalf of Monsanto as part of the re-registration of glyphosate in the European Union (EU). In May 2019, Bayer commissioned this investigation by the third-party law firm to clarify the allegations initially made in the French media that FleishmanHillard or Monsanto had collected confidential or private data in violation of legal regulations.

Sidley Austin LLP provided the results of its investigation to Bayer in a written report. Today, Bayer has published this report, including the project description between Monsanto and FleishmanHillard. The document is available on the internet at [www.bayer.com/stakeholder-lists](http://www.bayer.com/stakeholder-lists).

“The completion and publication of the investigation is another important step towards creating transparency,” says Matthias Berninger, Head of Public Affairs and Sustainability at Bayer. In its report, Sidley Austin LLP concluded: “There is no question that the [...] stakeholder lists created were detailed, methodical, and designed to strongly advocate Monsanto's positions to stakeholders and to the public. But [...] we did not find evidence to support the French media's allegations regarding the illegality of the stakeholder lists.”

There was also no evidence that the lists were based on illegal “surveillance” of individuals, as claimed by the media. The content of the lists available to Sidley Austin

LLP comes mainly from publicly available information such as press articles or social media accounts. In addition, the report concludes: “We found no support for allegations that the stakeholder lists tracked stakeholders’ personal hobbies, leisure activities, or other personal interests.” Based on the final report, Bayer does not see any violations by employees of the law or Monsanto’s internal policies in effect at the time.

As part of its investigation, Sidley Austin LLP collected and searched over 2.4 million electronic files from legacy Monsanto sources and reviewed over 25,000 documents as part of its investigation. Sidley Austin LLP obtained access to various sources of documentation (as identified from legacy Monsanto systems), including emails, electronic files, contracts, compliance records, and financial and accounting records. The law firm also conducted interviews with Bayer employees who previously worked for Monsanto and were involved in the project. In addition, Sidley Austin LLP requested and received certain documents and information from FleishmanHillard.

The investigation did not identify communications or discussions among Monsanto employees or between Monsanto and FleishmanHillard employees about potential stakeholder outreach involving leisure activities. The law firm did also not find the specific French document shown in French media on which the public discussion focused, in which “leisure or other interests (golf, tennis, hunting, etc.)” were mentioned as one “key area of focus”. In order to include the information into the investigation, Sidley Austin LLP also contacted various French media and requested access to the documents available to them. These questions were not answered.

### **All 1,475 people on stakeholder lists notified**

In total, Sidley Austin LLP has found the names of 1,475 people from different countries on the stakeholder lists. These are distributed among France (466), Germany (202), Poland (152), Spain (144), Great Britain (93), Italy (51), the Netherlands (20), Belgium (4), the USA (3), Switzerland (1) and a list for the EU institutions of 339 individuals of different European nationalities. All individuals were informed in writing by the law firm between May 31 and August 9, 2019.

In the written notification, Sidley Austin LLP offered to send the data collected to all persons involved. To date, this offer has been taken up by 250 individuals. In addition, 34

persons have reached out to Bayer and requested information as to whether their names are on the lists. For 29 persons, this was not the case.

### **List of German journalists only available in anonymized form**

The German Council for Public Relations (DRPR) recently conducted an investigation of the German stakeholder lists and also found no wrongdoing. For this investigation, FleishmanHillard had provided the DRPR with an anonymous list of German journalists. The law firm commissioned by Bayer could not find such a list in Monsanto's systems. On request, Sidley Austin LLP received an anonymized list of German journalists from FleishmanHillard at the end of July, which, according to the agency, is identical to the version submitted to the DRPR. Against this background, the law firm was unable to contact German journalists.

### **Commitment to respect and transparency**

With the report of Sidley Austin LLP, Bayer has completed the investigation into Monsanto's stakeholder lists. "We are happy that the independent investigation concluded with no findings of illegal behavior, which provides a strong foundation for our outreach and stakeholder engagement going forward," said Matthias Berninger. "At Bayer, we stand for open dialogue and mutual respect and will set new standards for transparency going forward."

### **About Bayer**

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**Forward-Looking Statements**

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