

The world of EU lobbying in Brussels

Brussels is the lobbying capital of Europe. And with so many of our national laws starting life at EU level, it is not difficult to see why. Big corporations, industry lobby groups, lobby consultancies and law firms spend hundreds of millions of euros every year to ensure that EU policymaking meets the needs of big business – and it very often works.

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There are far more business lobbyists than public interest groups, and they also have far greater means.

Image: © Belga



It is estimated that there are over 25,000 lobbyists working in the European Quarter, most of them in the service of corporations and their lobby groups. Whenever the European Commission proposes a new regulation or the European Parliament votes on a new law, corporate lobbyists are there, outnumbering and outspending public interest groups. On some issues the imbalance is staggering. In the lobbying concerning EU financial regulation, the banking sector is outspending NGOs, trade unions and other interest groups by 30:1.¹

Larger numbers of lobbyists and large lobbying budgets combined with privileged access to decision-makers often result in excessive industry influence and the corporate capture of decision-making. One example of such privileged access is when corporate lobbyists dominate membership of the Commission's many advisory groups, or so-called expert groups. This dominance can easily result in biased advice, with very negative impacts on draft EU legislation.

Research by watchdog groups has revealed that 75% of the lobby meetings of Commissioners and high-level Commission officials are with lobbyists representing big business. In such key areas as financial regulation, the internal market and international trade policy, this figure rises to over 80%.

The revolving door is another important way in which industry gains the upper hand in the battle to influence the political agenda in Brussels. When senior European decision-makers – Commissioners, MEPs, officials – leave office and go straight into lobby jobs, or when lobbyists join the EU institutions, the risk of conflicts of interest and undue influence is great, undermining democratic, public-interest decision-making. And the revolving door spins fast in Brussels. One third of Commissioners leaving in 2014 went into industry lobbying jobs. Commission President Barroso's move to Goldman Sachs and Commissioner Neelie Kroes' switch to Uber and Bank of America were among the most controversial revolving door cases.

A fundamental problem behind the privileged access enjoyed by big business lobbyists is the widespread belief in neoliberal ideology within the EU institutions, a set of beliefs that is centred around free markets, deregulation and the idea that what is good for big business is good for society. This approach has an inherent risk of enabling the corporate capture of decision-making.

The lobbying battle around glyphosate

Many of these problems were clearly present in the battle over the revision of the EU's market authorisation for glyphosate, the world's most widely-used herbicide and a key ingredient in Monsanto's Roundup weedkiller. But the intense lobbying battle around this decision also shows that when large numbers of EU citizens manage to get mobilised, industry lobby groups do not always win on all fronts.

In the past, the decisions over market authorisation for glyphosate were taken quietly in meetings of little-known EU committees, without any public attention. This time, however, the glyphosate re-authorisation process took place at a time when concerns about the pesticide's health impacts had grown substantially, with the World Health Organisation's cancer institute declaring the substance as "probably causing cancer to humans". Had the EU come to the same conclusion, this would have resulted in a once-and-for-all ban of all Roundup products, as EU pesticide rules ban all active ingredients capable of causing cancer, disturbing the hormonal system or having a toxic effect on the reproductive system.

Civil society petitions for phasing out glyphosate were supported by hundreds of thousands of citizens from across Europe. There were demonstrations and events outside key meetings of the EU officials deciding on the future of glyphosate. Over a million citizens signed a European Citizens' Initiative to urge the European Commission to ban glyphosate, not only for health reasons but also for the large-scale environmental damage caused by the product.

The corporate agri-food sector boasts very powerful players in the "Brussels Bubble", all with privileged access to top decision-makers. Tactics include PR stunts, fancy conferences, media greenwash, networking

1. "Corporate capture in Europe – When big business dominates policy-making and threatens our rights", ALTER-EU, 2018; <https://www.alter-eu.org/corporate-capture-in-europe-when-big-business-dominates-policy-making-and-threatens-our-rights-0>

2. "A toxic affair: How the chemical lobby blocked action on hormone disrupting chemicals", Corporate Europe Observatory, 2015; <https://corporateeurope.org/pressreleases/2015/05/toxic-affair-how-chemical-lobby-blocked-action-hormone-disrupting-chemicals>

events for policy-makers and journalists, as well as the 'revolving door' recruitment of former public officials to the private sector. The pesticide industry is used to quietly using its privileged access to influence EU decision-makers.² But in the glyphosate battle, industry faced an unprecedented challenge from concerned citizens. Pesticide giant Monsanto is a prime example of a corporate giant that gives precedence to below-the-radar lobbying, with its campaigns relying heavily on industry coalitions and front groups. One example is the Glyphosate Task Force, which is run from the offices of lobby consultancy firm Hume Brophy based in the European Quarter. Monsanto also hired a number of other lobby consultancy firms to help derail restrictions on glyphosate. The most visible lobbying was done via pesticide industry coalition ECPA, which for example organised a lobbying dinner with members of the European Parliament the evening before a crucial Parliament hearing.

The glyphosate battle further intensified in 2017 after thousands of pages of internal Monsanto documents were published, released in the context of a US court case against the company started by cancer victims. The Monsanto Papers show that the company hardly tested the real-world toxicity of its products, actively avoided pursuing studies which might show unwelcome results,

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and ghostwrote the studies of supposedly independent scientists.³ The documents also show that Monsanto systematically attacked scientists whose research threatened their profits. The evidence of Monsanto's manipulations of science and the regulatory process was so shocking that the European Parliament launched a special investigation committee on the Monsanto Papers. The Parliament's high-level Monsanto Papers hearing became a target of heavy lobbying itself, by pesticide industry lobby groups and national farmer unions. Another result of the controversy around Monsanto was the lobby ban imposed by the European Parliament, with MEPs voting to ban Monsanto from entering Parliament premises after the company had refused to testify at a parliament hearing.

The unprecedented public debate and high-profile political controversy around the renewal of glyphosate authorisation also helped expose the wider flaws in the EU's regulatory framework for the risk assessment of pesticides, and in particular the role of EFSA, the EU food safety agency. EFSA's recommendations are to a large extent based on secretive industry data rather than independent scientific studies. CEO and the European Greens asked EFSA for access to the Monsanto studies upon which EFSA based its advice.

The studies were eventually released to them, but can still not be published online to be scrutinised by any expert who might wish so.

Shockingly, the pesticide industry had advance access to EFSA's safety assessment of glyphosate. Shortly before the agency revealed its 2015 safety assessment, industry representatives were asked to file requests for text amendments and were even able to edit the documents at the very last minute. The good news is that the European Parliament's special committee on the Monsanto Papers is set to propose significant improvements to the EU's regulatory policies, to the benefit of public health and the environment and at the expense of agribusiness corporations. Also, following the European Citizens' initiative to ban glyphosate and protect people and the environment from toxic pesticides⁴ the European Commission responded to one of their demands, promising transparency of all (industry) studies used in approvals of all regulated products. However, the devil is in the detail and this is currently an ongoing battle in the European Parliament.

The public debate and controversy had an impact. In the final stage of decision-making, the European Parliament voted in favour of phasing out glyphosate. National governments were deeply divided and a series of

3. "What the Monsanto Papers tell us about corporate science", Corporate Europe Observatory (2018); <https://corporateeurope.org/food-and-agriculture/2018/03/what-monsanto-papers-tell-us-about-corporate-science>

4. Further information on <http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/2017/000002/en?lg=en>

meetings of a so-called comitology committee in Brussels repeatedly failed to reach agreement. At the end of 2017, the European Commission backed down, proposing a five-year extension of market approval for glyphosate for agricultural use instead of the originally planned 15 years. Nine governments voted against extending the approval, but a majority of EU member states supported the Commission's proposal, following heavy industry pressure on national governments. The German vote, for instance, scandalously changed at the last minute from abstention to a 'yes', going against the agreement reached between the relevant ministers! The next review of glyphosate is set to start in two years' time. Since the extremely harmful impacts of pesticides in general on biodiversity have by now become another major focus in the pesticide debate, the next re-approval process – as well as that of many other pesticides – will be very closely scrutinised from the outset by citizens, politicians, the media and scientists. Meanwhile, many EU member states have introduced further restrictions on the use of glyphosate-based products, including a ban on all glyphosate-based herbicides in Belgium.

Corporate capture and what to do about it

The glyphosate battle shows how deeply rooted the influence of the pesticide industry is in EU decision-making. It also shows that strong citizen mobilisation can break open the debate and achieve significant impact. Another key factor in the battle is the fact that the deeply manipulative strategies of Monsanto and other pesticide producers

Corporate Europe Observatory (CEO) is a research and campaign group working to expose and challenge the privileged access and influence enjoyed by corporations and their lobby groups in EU policy making.

If you visit Brussels, join one of the guided 'lobby tours' of the European Quarter regularly run by our team, during which we provide either a general introduction to the lobbying scene or give a thematic tour looking at specific industries. CEO also offers workshops on investigating corporate lobbying, introducing simple research tools and how you can use them in your campaigns.

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<https://corporateeurope.org/lobby-tour-request>

have been exposed and their legitimacy undermined.

It's one thing to get one pesticide banned, but it's another thing to achieve a vast reduction in the overall use of pesticides. Indeed, beyond individual lobbying battles, a deeper change is needed to prevent excessive corporate influence. Until EU decision-makers stop conflating the interests of big corporations with those of the public, profit will come before climate and public health. If we want policies reflecting the interests of the environment and public health, then the companies most likely to resist them must not be allowed to write them. This applies at all stages of legislation – from ensuring the independence of advisory groups and European

agencies like EFSA, via stopping MEP-industry fora, to monitoring which industry players are engaged in lobbying and which member states are trying to weaken legislation on behalf of 'their' corporations.

Awareness of the dangers of corporate capture and demands for change are growing. In the European Parliament, more than 180 MEPs have signed a pledge to "stand up for citizens and democracy against the excessive lobbying influence of banks and big business". With the European Parliament elections scheduled for May 2019 and a new European Commission team set to take office later in the year, unique opportunities exist to demand ambitious action to curb corporate influence. ●

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Key players in the corporate lobby defending glyphosate

MONSANTO

Declared lobby spend:
€300,000 - €400,000 (2015-2016)

Monsanto is a leading producer of genetically modified seeds and herbicides. Known for its aggressive lobby tactics, Monsanto is an active member of such Brussels lobby groups as the European Seed Association, EuropaBio and the International Life Sciences Institute. One tactic used by this industry is to hire product-defence companies to shape and skew science: these employ scientists to perform studies to produce data that suits the client's interest, or to criticise studies that do not.

In 2016, an international civil society initiative – the Monsanto Tribunal – was set up to investigate the company, which has been accused of human rights violations, crimes against humanity and ecocide. Eminent judges heard testimonies from victims and delivered an advisory opinion that Monsanto had violated human rights to food, health, a healthy environment and the freedom indispensable for independent scientific research. Richard Garnett, a lobbyist for Monsanto Europe, is chair of the industry lobby platform, the Glyphosate Task Force.

HUME BROPHY

Declared lobbyists: 18 FTE
Lobby spend: €1.25m - €1.5m (2016)

Irish consultancy Hume Brophy is a lobby-gun-for-hire, with major clients including Monsanto. The firm runs the Glyphosate Task Force, an industry platform bringing together producers of glyphosate-based herbicides. Members include Monsanto, Syngenta and Barclay Chemicals. The Glyphosate Task Force is campaigning for the re-authorisation of glyphosate.

EUROPEAN CROP PROTECTION ASSOCIATION (ECPA)

Declared lobby spend:
€600,000 - €700,000 (2016)

A lobby group for the agrochemical industry, ECPA aggressively pushes for weak regulation of pesticides and GMOs. It represents transnational pesticide manufacturers such as Syngenta, Monsanto, BASF, Bayer CropScience and Dow AgroSciences. The association has a significant presence within the EU institutions and is a member of a large number of advisory committees and expert groups in the agricultural, health, and environmental sectors.

ECPA and its US counterpart, CropLife America, lobbied for their industry to get the most out of the EU-US trade and investment negotiations (TTIP). Luckily for them, both US and EU negotiators were happy to work closely with the pesticide industry to ensure that TTIP "minimises their costs and burdens" even if this means increasing risks to human health and the environment. Both associations were pronounced the joint winners of the 2016

Democracy for Sale awards (co-organised by Corporate Europe Observatory) for their attempt to use the TTIP talks to shape current and future pesticide regulation.

BAYER

Declared lobbyists: 12.25 FTE
Lobby spend: €1,948,000 (2016)

Bayer recently took over Monsanto in a \$66 billion deal. This German chemical and pharmaceutical company has a long history of controversy that looks set to continue. From its *belle époque* promotion of heroin as a cough treatment for children, to more recent pushes for lax GMO and pesticide regulation in Europe, Bayer cannot seem to resist getting its paws on even the hottest of political potatoes.

A dominant player in the neonicotinoid pesticide market, Bayer came out all guns blazing against reports on the potential harmful effects of its products on bee populations. Neonicotinoid pesticides are absorbed into plants as they grow and can seep into nectar and pollen where it is thought to harm and kill pollinating insects. Along with other pesticide companies, Bayer and the European Crop Protection Association have lobbied fiercely against EU action on 'neonics'. Similarly, the industry went to war on a looming ban on hormone (endocrine) disruptors (EDCs). Present in everyday products, these chemicals interact with the body's hormonal systems and are suspected of having severe health and environmental impacts. Their methods targeting EDCs included scaremongering, delaying tactics, discrediting evidence and leveraging the TTIP negotiations to stop the EU taking action to restrict EDCs.