via WebERV

Vienna Public Prosecutor's Office
Landesgerichtsstraße 11
1080 Vienna

Vienna, 27 September 2023
Global/Glyphosate23 / ul / 3A

GZ 831 St 7/19h

Scoreboards:	1. Environmental protection organisation GLOBAL 2000, ZVR 593514598 Neustiftgasse 36, A-1070 Vienna 2. PAN Europe Pesticide Action Network Europe Rue de la Pacification 67, B-1000 Brussels 3. PAN Germany (Pesticide Action Network - Germany) Nernstweg 32, D-22765 Hamburg 4. Générations Futures 179 rue de Lafayette, F-75010 PARIS 5. Johanna Zamernik, born 30.11.1975 Bäckenbrünnlgasse 11/1, A-1180 Vienna
represented by:	Dr. Josef Unterweger Attorney at Law Buchfeldgasse 19a 1080 Vienna Power of attorney granted
Displayed:	Responsible representatives of 1. Bayer AG, HRB 48248 Kaiser-Wilhelm-Allee 1 D-51373 Leverkusen 2. Bayer Agriculture BV Scheldelaan 460/Haven 627, B-2040 Antwerp 3. Bayer Austria Ges.m.b.H., FN 106165a Am Europlatz 1 1020 Vienna 4. Members of the Glyphosate Renewal Group 5. more uT
because of:	Suspicion according to §§ 146 ff StGB iVm §§ 84 ff, 176, 180, 223 ff StGB

STATEMENT OF FACTS - SUPPLEMENTARY NOTIFICATION

Power of attorney granted including
Power of attorney pursuant to § 19a RAO

4 Supplements

In the case referred to overleaf, the applicant submits the following

STATEMENT OF FACTS - SUPPLEMENTARY NOTIFICATION

to the Vienna Public Prosecutor's Office, stating as follows:

1. TO THE PARTIES

1.1. **GLOBAL 2000 Environmental Protection Organisation** is an Austrian legally recognised environmental protection organisation whose non-profit activity is in particular the protection of the environment, the protection of health and the prevention of disasters.

1.2. In the spring of 2013, the Medical Laboratory Bremen carried out a random sample test in 18 European capitals with regard to (among other things) glyphosate contamination in urine, in which Ms **Johanna Zamernik** also took part. In her urine sample, 0.198 micrograms/litre of glyphosate were detected. In total, three of the ten urine samples from people living in Vienna (two women, one man) were found to be contaminated with glyphosate or its metabolite AMPA. Across Europe, the contamination rate was as high as 45 percent. The fifth applicant is actually and demonstrably exposed to glyphosate. She is a victim in the sense of § 65 no. 1 of the Code of Criminal Procedure and, as a private party, a party to the proceedings.

1.3. Pesticide Action Network Europe (**PAN Europe**), Pesticide Action Network - Germany (**PAN Germany**) and **Générations Futures** are European non-profit environmental organisations.

1.4. **Bayer AG** is the parent company of the Bayer Group. **Bayer Austria Ges.m.b.H.** is the Austrian subsidiary of the Group. The Bayer Group acquired the Monsanto Group on 7 June 2018 and is thus the legal successor to Monsanto. Monsanto was one of the largest pharmaceutical, chemical, genetic engineering and seed producers. Since taking over Monsanto's business, Bayer has been the leading producer and distributor of glyphosate. Under the leadership of Bayer's Belgian subsidiary **Bayer Agriculture BV,** manufacturers and distributors of glyphosate have joined together to form the **Glyphosate Renewal Group (GRG)** to apply for an extension of glyphosate's authorisation.

2. OUTPUT

2.1. In statements of facts dated 2 March 2016, 4 December 2017 and 17 July 2019, the complainants filed charges with the Vienna Public Prosecutor's Office against responsible representatives of the (then still existing) Monsanto group and other natural persons and legal entities on suspicion of serious fraud pursuant to Sections 146 et seq. of the Criminal Code.

2.2. In summary, it concerns the suspicion that during the past EU approval process of the pesticide active ingredient glyphosate, which extended from 2012 to 2017, the members of the Glyphosate Task Force (GTF), in which manufacturers and distributors of glyphosate under the leadership of Monsanto joined together for the purpose of submitting a joint application in the European Union, had deliberately misled the authorities and the public about the actual effects and the actual danger of glyphosate in order to obtain the re-approval of glyphosate. There is suspicion that studies were falsified or distorted and that unfavourable studies

were improperly withheld. There is suspicion that carcinogenicity studies were knowingly misinterpreted or withheld to conceal the carcinogenic effects of glyphosate. There is suspicion of the use of unfair means to obtain a positive authorisation decision.

2.3. The Vienna Public Prosecutor's Office is conducting a preliminary investigation into this matter at 831 St 7/19h.

2.4. Monsanto was acquired by Bayer AG on 7 June 2018. Bayer AG is thus the legal successor to the Monsanto Group and the leading force within the Glyphosate Renewal Group (GRG).

2.5. Glyphosate is currently authorised in the European Union until 15 December 2023. The application deadline for re-authorisation was 15 December 2019. On 12 December 2019, the Glyphosate Renewal Group (GRG) submitted a pre-application for the re-authorisation of glyphosate to each Member State of the Glyphosate Assessment Group (AGG) - France, Hungary, the Netherlands and Sweden - the European Food Safety Authority (EFSA), the European Commission and all other EU Member States. The final application was submitted on 23 January 2020.[1]

Proof:

- GRG pre-application for re-admission 12.12.2019
-Final GRG application for re-admission 23.01.2020

2.6. As explained below, there is a suspicion that criminal offences have been committed in the course of the current re-registration process.

3. DECEPTIVE ACTS IN THE CURRENT APPROVAL PROCESS

3.1. It is suspected that the defendants - like Monsanto before them - improperly withheld or misrepresented unfavourable results and data from manufacturer studies in their application for approval in order to mislead the authorities and the public about the true mode of action and the true danger of glyphosate on humans, animals and the environment and to obtain re-approval. The re-approval would not have been granted if all results and data had been submitted in accordance with obligations and if the authorities had evaluated the results in a scientifically correct manner. These are in particular:

3.2. Information indicating a neurotoxic effect of glyphosate

3.2.1. In its dossier, the GRG presents the pesticide active ingredient glyphosate as non-neurotoxic and non-developmentally neurotoxic. This is **wrong**.

3.2.2. In addition to corresponding studies from the scientific literature, a **manufacturer's** animal **study investigating developmental neurotoxicity (DNT study; DNT = Developmental Neurotoxicity) from** 2001 in particular was suppressed. Although this study was submitted to the US Environmental Protection Agency (EPA), which subsequently established (!) the developmental neurotoxicity of the glyphosate salt (glyphosate trimesium) investigated in this study and derived a "No Observed

[1] All documents available for download at: https://www.glyphosate.eu/de/transparency/antrag-auf-wiederzulassung/ (retrieved on 14.09.2023).

Adverse Effect Level (NOAEL) of 10 mg/kg body weight" from it, this study was never submitted to the EU regulatory authorities.

The withholding of the DNT study is therefore highly relevant, as in it dose-dependent and significant adverse effects already occurred in a concentration range that is significantly lower than in all other manufacturer studies known to the authorities so far.

3.2.3. For this reason, consideration and recognition of this study in the ongoing risk assessment should have led to a re-evaluation of the toxicity of glyphosate, and thus to a lowering of the health guidance values for dietary exposure (ADI, ARfD) and for occupational exposure (AOEL).

3.2.4. Evidence of developmental neurotoxicity of glyphosate is also found in the published scientific literature. A systematic review by Costas-Ferreira et al.[2] describes around 50 scientific publications dealing with potentially toxic effects of glyphosate on the nervous system, of which, however, 45 publications were not reported in the marketing authorisation application, according to the Scoreboard's research. These include an epidemiological case-control study showing an increased risk of autism or ADHD in children whose mothers were exposed to glyphosate during pregnancy. The GRG had also withheld these studies from the authorities.

Proof:

- Costas-Ferreira C, Durán R, Faro LRF. Toxic Effects of Glyphosate on the Nervous System: A Systematic Review. Int J Mol Sci. 2022 Apr 21;23(9):4605.

3.2.5. **This DNT study by the manufacturers indicates neurotoxic effects from glyphosate.** The application for the re-authorisation of glyphosate, which Bayer AG submitted to the EU authorities on behalf of the GRG in June 2020, did not contain a DNT study. This is despite the fact that such a DNT study with glyphosate is available, as the Swedish scientists Axel Mie and Christina Rudén discovered in March 2022 and immediately informed EFSA of the existence of this study.

The two scientists published their findings in September 2022 in Environmental Health in the commentary *What you don't know can still hurt you - underreporting in EU pesticide regulation*, with the following key statements:[3]

- The DNT study withheld by the GRG had been evaluated by the US Environmental Protection Agency (EPA) in 2005. The US authority concluded that exposure of dams to glyphosate trimesium had adverse effects on rat offspring. Doses were 0, 10, 25 and 100 mg glyphosate trimesium/kg body weight (bw)/day administered by gavage to maternal animals from day 7 of pregnancy to day 11 postpartum. The lowest observed adverse effect level (LOAEL) for the mother was > 100 mg, i.e. no maternal toxicity classified as adverse was observed.

[2] Costas-Ferreira C, Durán R, Faro LRF. Toxic Effects of Glyphosate on the Nervous System: A Systematic Review. Int J Mol Sci. 2022 Apr 21;23(9):4605. doi: 10.3390/ijms23094605. PMID: 35562999; PMCID: PMC9101768.
[3] Mie, A., Rudén, C. What you don't know can still hurt you - underreporting in EU pesticide regulation. Environ Health 21, 79 (2022). https://doi.org/10.1186/s12940-022-00891-7.

- In the offspring, however, total motor function was significantly reduced (45-72 %) in males and females in the 25- and 100-mg groups 14 days after birth. These effects were significant, dose-dependent and consistent between the sexes. Nevertheless, they were dismissed as random in the original 2001 study report by the contract laboratory hired by Syngenta, which is part of the GRG (suggesting a conflict of interest on the part of the contract laboratory hired by Syngenta).

- In contrast, in 2005 the US EPA recognised these effects as treatment-related and set the LOAEL (Lowest Observed Adverse Effect Level) for offspring at 25 mg/kg body weight/day and the NOAEL (No Observed Adverse Effect Level) at 10 mg/kg body weight/day. The US EPA rated the study as acceptable for regulatory use.

3.2.6. The NOAEL is a key parameter for the risk assessment of pesticide active substances. The NOAEL is used to set health guidance values for exposure from residues in food and for occupational exposure (AOEL). NOAELs can vary considerably depending on the type of adverse effect under investigation. Therefore, for the establishment of human health guidance values, the lowest NOAEL at which no relevant adverse health effects are detectable is usually used.

The NOAEL of 10 mg/kg derived by the US EPA from the DNT study is more than five times lower than the NOAEL proposed by the AGG in the current approval process for glyphosate. This NOAEL comes from a 90-day study in dogs and is 53 mg/kg body weight per day. Based on this NOAEL, the AGG recommended setting an ADI of 0.5 mg/kg body weight per day. Acceptance of the NOAEL from the DNT study of 10 mg/kg body weight would necessitate lowering the current ADI of 0.5 mg/kg body weight to 0.1 mg/kg body weight. Analogously, a reduction of the ARfD and the AOEL would also be expected.

3.2.7. Nevertheless, the authorities assumed far too high tolerable levels of exposure to glyphosate in food or at the workplace or in the air (in the case of drift).

A re-authorisation of glyphosate with the currently proposed health guidance values for dietary (ADI, ARfD) and occupational (AOEL) acceptable daily intake would therefore expose pregnant women in particular to an unacceptable and irresponsible health risk.

3.2.8. *Mie/Rudén* state the following in summary:[4]

"One of the approval criteria for active substances in the EU is that "in the light of current scientific and technical knowledge, it may be expected" that their residues, when properly used, will not have any harmful effects on human or animal health or on groundwater or any unacceptable effects on the environment. More explicit data requirements have been established. The first requirement is that the information in the dossier "shall be sufficient to evaluate the foreseeable risks, immediate or delayed, which the active substance may pose to humans, including vulnerable groups of persons, animals and the environment and shall include at least the information and study results specified in that Regulation". The second requirement is that "any information on potentially harmful effects of the active

[4] Mie, A., Rudén, C.: *What you don't know can still hurt you - underreporting in EU pesticide regulation,* Environ Health 21, 79 (2022), uncertified translation.

substance, its metabolites and impurities on human and animal health or on groundwater shall be included".

DNT studies are not routinely required. ***However, the regulations specify that potential neurotoxic effects must be carefully investigated and reported****. It is also clearly stated that such developmental and reproductive toxicity studies must "take into account all available and relevant data, including [...] knowledge of structural analogues of the active substance".*

From this, Mie/Rudén derive in their commentary the obligation of the applicants to carefully investigate the DNT potential of glyphosate (and its salts). They argue as follows:

"Glyphosate trimesium is highly soluble in water and dissociates completely in water and thus also in the body. Conceptually, the observed DNT effects could then have been caused by the glyphosate molecule or by the trimesium ion, or possibly by both in combination."

"In the present case, at least one of the petitioning companies had scientific evidence that the glyphosate molecule, i.e. the active ingredient in the present dossier, was among the few potential causative agents of DNT effects in the glyphosate trimesium study. It is therefore contrary to the intentions of the Act and the responsibility of the applicants to assume that the glyphosate molecule did not cause the observed DNT effects. To make this assumption, it must be shown that the trimesium ion or trimesium and glyphosate in combination were the causes, or the glyphosate molecule must be exonerated by other evidence."

"It is the responsibility of the applicant companies to make appropriate use of this scientific knowledge . No one else can be responsible for this, because no one else involved in the approval process had access to this knowledge."

"At least three violations *can be identified:*

1. ***The DNT study should have been presented directly in 2001***

2. ***The DNT study should have been presented at each ongoing re-evaluation***

3. ***The re-admission application should have dealt with DNT".***

"Conclusion: In our view, the legislation is clear: the DNT study on glyphosate trimesium should have been reported to the authorities in the EU in 2001 and included in the current glyphosate dossier, in which the applicants should have carefully addressed the possible DNT of glyphosate. None of this has happened. We do not know the reasons for these omissions or to what extent the co-applicants were informed of this matter. Notwithstanding strong and valid arguments that the applicants could make to refute the observed DNT effects of glyphosate trimesium or its relevance to other forms of glyphosate, we consider that they should nevertheless be explicitly presented in the dossier and that EFSA should be informed of these data so that it can make its own assessment as a regulatory authority."

<u>Proof:</u>

- Mie, A., Rudén, C.: *What you don't know can still hurt you - underreporting in EU pesticide regulation,* Environ Health 21, 79 (2022).

3.3. Information indicating a carcinogenic effect of glyphosate

3.3.1. In the statement of facts of 17 July 2019 (section 2.2.1., tables 3 and 4), it was shown that Monsanto did not correctly report the statistical significance of tumour findings in cancer studies in the past authorisation procedure. A randomised review of the marketing authorisation application submitted by Bayer on behalf of the GRG shows that Bayer - like Monsanto before it - also failed to submit correct statistical evaluations of tumour findings in the GRG marketing authorisation application. Instead, the statistical significance of tumour findings was - contrary to the applicable guidelines - only assessed using the pairwise comparison method. Consequently, study results that would have been recognisable as statistically significant tumour findings if they had been evaluated in accordance with the guidelines were repeatedly presented as not statistically significant and in many cases not reported at all.

3.3.2. In the mouse study "Arysta 1997", for example, the statistically significant finding in the trend test for lymph node cancer (p=0.0085) was reported as not significant, since only the pairwise comparison was used. The findings on blood vessel cancer (p=0.008) and kidney tumours (p=0.008), which were also significant in the trend test, were not reported at all (source: M-CA Section 5, p.1484-1495). Also not reported were the trend test significant finding of kidney tumours (p=0.039) in the Kumar 2001 mouse study (M-CA Section 5, p. 1467-1477) or the significant finding of lymph node cancer (p=0.0037) in the Nufarm 2009 mouse study (M-CA Section 5, p. 1461-1467), to name just a few examples.

Proof:

- Document M-CA Section 5 from the GRG dossier (page 1459 ff)
- Analysis DI Dr. Helmut Burtscher of 17 July 2019 (section 2.2.1, tables 3 and 4 of the statement of facts of 17 July 2019).

3.3.3. At the same time, Bayer has withheld or manipulatively misreported information that strengthens the evidence of cancer studies. For example, Bayer - like Monsanto before it - withheld the historical control data on the mouse cancer study ("Monsanto 1983 Mouse CD1") in which the WHO's International Agency for Research on Cancer (IARC) found decisive evidence for the cancer classification of glyphosate in 2015. Monsanto had submitted this historical control data to the U.S. EPA in 1984. The U.S. EPA had used this data to support the cancer classification of glyphosate in 1985.

3.3.4. The obligation to also submit historical controls, if available, is explicitly stated in law. Regulation (EC) No 128/2013 obliges applicants to submit historical control data

"Where available, historical control data must always be submitted. The data submitted must relate to endpoints that could represent critical adverse effects; they must also be strain-specific and come from the laboratory that conducted the

relevant study. They must cover a period of five years, with the date of the study preferably in the middle of this period."[5]

3.3.5. Nevertheless, in the past approval procedure, Monsanto had not submitted to the EU authorities the historical control data that strengthen the significant tumour finding (kidney tumours) of the "Monsanto 1983" mouse study. Instead, the publication William et al. 2000, authored by Monsanto ghostwriters, reported factually that the incidence of kidney tumours (6%) found in the study in question (Monsanto 1983 Mouse CD1) was within the historical controls (see analysis 17 July 2018, section 2.2.5).

3.3.6. In the current marketing authorisation application, Bayer now also claims, contrary to fact, that no historical control data are available for "Monsanto 1983 Mouse CD1": "no historical control data" (see: M-CA Section 5, p. 1509).

3.3.7. Consequently, the authorities write in the final "Renewal Assessment Report" about the kidney tumours in the study in question:

"Although the increase was not statistically significant by pairwise comparison, the effect was significant when a trend analysis was performed using Cochran-Armitage during the previous evaluation of glyphosate (refer to Table 2.6.5.1-9). The applicant provided a statement that historical control data are not available anymore".[6]

As already explained in past factual presentations, this statement by Bayer is factually incorrect. Corresponding historical control data are described in detail in the US EPA archive.

3.3.8. The statement that no historical control data is available for Monsanto's 1983 mouse study is factually incorrect. In fact, historical control data from at least five different laboratories are available for this study. They all support and strengthen the statistical significance of the tumour finding. In particular, these include data from 16 long-term carcinogenicity studies conducted in the same laboratory (Bio/Dynamics) as the Monsanto study and completed in a relevant 5-year time window between 1978 and 1982. In these 16 studies, 3 out of 815 control male mice developed kidney tumours. According to the U.S. EPA memorandum of February 1985, these historical control data show that the probability of seeing four or more male CD-1 mice with kidney tumours (this is the result of the Monsanto study) is p = 0.0064. The U.S. EPA statistician notes that *"If glyphosate really had no association with kidney tumours, we would expect to see 4 or more tumours in less than 1 in 100 experiments of the Monsanto-sponsored type."* The historical control data cited are documented in detail in U.S. EPA documents and described in the non-fiction book "The Glyphosate File" (K&S) pp. 39-65.

Proof:

- https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/103601/103601-170.pdf
- https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/103601/103601-249.pdf

[5] Commission Regulation (EU) No 283/2013 of 1 March 2013 laying down data requirements for active substances pursuant to Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, Section 5 Z 3.
[6] see: Glyphosate_RAR_01_Volume_1_2023-04-21_public; page 403.

- Burtscher-Schaden, Helmut: Die Akte Glyphosat (K&S) S. 39-65.
- Application for approval: M-CA Section 5
- Final RAR, Vol. 1

3.3.9. Moreover, no new cancer study was prepared by the GRG, although the existing cancer studies themselves are deficient according to the applicant and the authorities - and it is precisely these alleged deficiencies that are used as a justification for rejecting the consistently significant cancer findings.

Proof:

- Clausing P, Robinson C, Burtscher-Schaden H. Pesticides and public health: an analysis of the regulatory approach to assessing the carcinogenicity of glyphosate in the European Union. J Epidemiol Community Health. 2018 Aug;72(8):668-672. doi: 10.1136/jech-2017-209776. Epub 2018 Mar 13. PMID: 29535253; PMCID: PMC6204965.
- Analysis for the presentation and evaluation of five cancer studies on mice in the context of the re-approval procedure for the active substance glyphosate, Dr Peter Clausing, 29 February 2016.
- Open letter from Prof. Christopher J. Portier and 97 others to EU Commissioner Vytenis Andriukaitis of 27 November 2015 (uncertified translation with English original)

3.4. Information indicating a higher skin permeability of glyphosate

3.4.1. In the supplement to the statement of facts of 17 July 2019 "Analysis DI Dr. Helmut Burtscher", section 3.1.1 refers to internal Monsanto emails from US court documents, according to which Monsanto had commissioned a study on the dermal uptake of glyphosate products in 2002 with the aim of convincing the German regulatory authorities that their assumptions on the dermal uptake of glyphosate were too high. However, Monsanto immediately stopped the study when it became apparent that it showed absorption rates of glyphosate that were more than three times higher than the absorption rates assumed by the authorities. This had the potential to "blow up the risk assessment of Roundup", an internal Monsanto email said. Monsanto is accused of never having submitted the results from this study to any authority.

3.4.2. A review of the marketing authorisation application submitted by Bayer does not reveal any indications that Bayer had brought the results of the "TNO study" to the attention of the regulatory authorities and discussed the findings reported therein, or that these had been discernibly reflected in the regulatory risk assessment, which is why it would have to be examined, if applicable, whether Bayer had informed the EU authorities about the interim report of this study, which is filed in the US court documents.

Proof:

- Analysis DI Dr. Helmut Burtscher 17 July 2019 (Section 3.1.1)
- GRG's preliminary application for readmission 12.12.2019
- GRG's final application for readmission 23.01.2020

3.5. Information indicating genotoxic effects of glyphosate

3.5.1. In the supplement to the statement of facts of 17 July 2019 "Analysis DI Dr. Helmut Burtscher", reference is made in section 3.1.2. to US court documents according to which Monsanto already had a report sixteen years before glyphosate was classified as carcinogenic by the WHO cancer research agency IARC, which anticipated parts of the IARC's later findings (at least as suspicions): the so-called "Parry Report". Monsanto was accused of keeping this report under wraps and continuing to represent glyphosate as non-genotoxic to regulatory authorities and the public.

3.5.2. In reviewing the marketing authorisation application submitted by Bayer, we found no evidence that Bayer had brought the "Parry Report" to the attention of the regulatory authorities and discussed the findings reported therein, or that these had been discernibly reflected in their risk assessment, which is why it might need to be examined whether Bayer had informed the EU authorities about the Parry Report filed in the US court documents.

Proof:

- Analysis DI Dr. Helmut Burtscher 17 July 2019 (Section 3.1.2)
- GRG's preliminary application for readmission 12.12.2019
- GRG's final application for readmission 23.01.2020

4. PRIVATE PARTY CONNECTION

4.1. The private party may assert a claim against the accused that is derived from the criminal offence and is directed towards performance, ascertainment or legal arrangement. (Section 69 (1) sentence 1 of the Code of Criminal Procedure).

4.2. GLOBAL 2000 Environmental Protection Organisation is a recognised environmental protection organisation according to § 19 para 7 UVP-G 2000 due to official recognition since 17.5.2005. The status as a recognised environmental organisation according to § 19 para 7 UVP-G 2000 entitles GLOBAL 2000 Environmental Protection Organisation in particular to initiate and to be party to environmental impact assessment proceedings, proceedings according to the Federal Environmental Liability Act, proceedings according to the Water Act or proceedings according to nature conservation law or criminal law.

Recognised environmental organisations such as GLOBAL 2000 Environmental Protection Organisation are in particular entitled to lodge complaints under the Federal Environmental Liability Act. The filing of complaints under the Federal Environmental Liability Act is also directed towards the restoration of the unimpaired state.

Procedures under the Environmental Impact Assessment Act, as well as procedures under water law or nature conservation law, are aimed at approving or prohibiting an installation that has a significant impact on the environment, such as air, water or protected animal species or habitats. In particular, conditions can be applied for and imposed, or injunctions can be demanded.

GLOBAL 2000 Environmental Protection Organisation is an environmental protection organisation called upon by law and official approval and recognition to protect the environment and legitimised to intervene in environmental matters. The complainant is aware that it cannot invoke a direct legal mandate, but points

out that it has made a significant contribution to exposing the unlawful and illegal practices of the complainants.

GLOBAL 2000 Environmental Protection Organisation therefore has a claim against the defendants derived from the offence and directed towards performance (e.g. restoration of the previous state), determination (e.g. determination of the environmental disturbance) or legal action (e.g. approval of a plant subject to conditions or omission of the introduction of glyphosate into the groundwater body or obligation to label the product).

It is suspected that the accused as well as their responsible organs and other unknown perpetrators are also partly responsible for endangering the environment, especially the soil and water, with substances that are probably carcinogenic to humans.

Due to this suspicion, the appellant had to carry out investigations and incurred expenses of at least € 1,000.00 for this.

The appellant is thus a private party and victim and is entitled to have this amount restituted by the perpetrators of the damage due to unlawful culpable and causal conduct. GLOBAL 2000 Environmental Protection Organisation joins the criminal proceedings as a private party with a partial amount of € 1,000.00.

GLOBAL 2000 Environmental Protection Organisation states that - irrespective of its position as a private party - as an environmental protection organisation it has access to the law in also judicial proceedings concerning the environment, including the right of appeal, which makes it possible for violations of the law by public authorities or private persons to be effectively rebuked.[7]

4.3. Ms Johanna Zamernik has been proven to have been exposed to glyphosate. She is a victim in the sense of the Code of Criminal Procedure and joins the criminal proceedings as a private party with a partial amount of € 1,000.00.

5. EVIDENCE TOGETHER WITH DOCUMENTARY EVIDENCE

- Existing act
- Enclosure ./V: GRG's preliminary application for readmission 12.12.2019
- Enclosure./W: GRG's final application for readmission 23.01.2020
- Supplement *./X: Costas-Ferreira C, Durán R, Faro LRF.*: Toxic Effects of Glyphosate on the Nervous System: A Systematic Review. Int J Mol Sci. 2022 Apr 21;23(9):4605.
- Supplement ./Y: *Mie, A., Rudén, C.*: What you don't know can still hurt you - underreporting in EU pesticide regulation, Environ Health 21, 79 (2022).
- https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/103601/103601-170.pdf
- https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/103601/103601-249.pdf
- *Burtscher-Schaden, Helmut*: The Glyphosate File (K&S)
- Application for approval: M-CA Section 5
- Final RAR, Vol. 1
- *Clausing P, Robinson C, Burtscher-Schaden H.*: Pesticides and public health: an analysis of the regulatory approach to assessing the carcinogenicity of

[7] See for example Aarhus Convention Compliance Committee ACCC/C/2011/63, Findings RN 66.

glyphosate in the European Union. J Epidemiol Community Health. 2018 Aug;72(8):668-672. doi: 10.1136/jech-2017-209776. Epub 2018 Mar 13. PMID: 29535253; PMCID: PMC6204965.

- *Dr. Peter Clausing*: Analysis for the presentation and evaluation of five cancer studies on mice in the context of the re-approval procedure for the active substance glyphosate, 29 February 2016.
- Open letter from *Prof. Christopher J. Portier* and 97 others to EU Commissioner Vytenis Andriukaitis of 27 November 2015 (uncertified translation with English original)

6. APPLICATIONS

For all these reasons, therefore, the

APPLICATIONS

1. to take the evidence offered,
2. to examine the facts of the case for their relevance under criminal law,
3. proceed according to the 12th main section of the Code of Criminal Procedure,
4. to summon the private parties to the main hearing.

Environmental protection organisation GLOBAL 2000