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Brussels, January 29th 2019

Concerning: Study "Detailed Expert Report on Plagiarism and superordinated Copy Paste in the Renewal Assessment Report (RAR) on Glyphosate"

To: Bundesinstitut für Risikobewertung (BfR)
Professor Dr Dr Andreas Hensel, President of BfR
Professor Dr Reiner Wittkowski, Vice President of BfR
cc: EFSA, Dr Jose Tarazona and Dr Bernhard Url
cc: UBA, Mrs Maria Krautzberger
cc: Members of Agricultural Committee German Bundestag
cc: Dr Stefan Weber and Dr Helmut Burtscher-Schaden

Dear Mr Hensel, Mr Wittkowski,

We write to you to express our concerns on the way the BfR has responded to the study ["Detailed Expert Report on Plagiarism and superordinated Copy Paste in the Renewal Assessment Report \(RAR\) on Glyphosate"](#) we collectively commissioned and presented in the European Parliament in Strasbourg on January 15th, 2019. We commissioned this study as members of the PEST Committee (on the EU pesticide authorisation procedure), belonging to three different political groups. The motivation for doing so was that, in our view, there remained too many question marks on the so called 'copy-and-paste scandal' around the assessment of glyphosate, despite hearings in the European Parliament's ENVI committee as well as its PEST committee. From a legislator's point of view, this was and remains an unacceptable situation, especially since this concerns an issue that has a potential impact on the health of millions of citizens.

The new study answers questions on how much text of the BfR's glyphosate assessment were copy-pasted from the applicants dossier, and to what extent this can be categorised as plagiarism. Using the software WCopyfind, the study authors Stefan Weber and Helmut Burtscher-Schaden compared the assessment of health risks by the BfR and the assessment of published studies on environmental risks by the German Environment Agency (UBA) with the corresponding chapters in the application of the Glyphosate Task Force.

We believe the results of this study show new worrying evidence on the chemical industry's influence on the procedure for renewing the authorisation of glyphosate. The opinion of the authors of the study is that your institute BfR - in stark contrast to the UBA - has been in breach of EU law, which requires the independence and objectivity of such evaluations.

We find it very worrying to see that up to 90% of some chapters attributed to the BfR, in which the published literature on glyphosate health risks is evaluated, were actually written by Monsanto-led GTF, without any mentioning of this. This unacceptable practice by BfR, resulted in the fact that independent scientific studies showing cancerogenic effects were consistently brushed off the table as being not relevant or not reliable and thus not being taken into account.

We therefore are also worried that [BfR has reacted to these findings the way it did](#) on 15/01/2019. We strongly disagree with your statement that “the term 'plagiarism’ is not relevant in this context.” In Annex I to this letter we explain more in detail why we think several of your “answers (to) repeated questions concerning allegations of plagiarism” do not provide the necessary clarifications. In short we can sum up your response as follows: You react to things we have not written, and you do not react to published facts that are highly worrying.

For these reasons, we consider this debate not to be closed and are considering further steps in the near future. In the meantime we will urge our colleagues in the German federal parliament to take our findings into consideration and do the necessary parliamentary follow up and scrutiny.

As sometimes suggested, it is not our aim to spread doubt or mistrust in public institutions like BfR, quite on the contrary. Our aim and duty as members of parliament is to make sure that we can trust institutions in EU member states and EU agencies do an ‘independent, objective, and transparent assessment of the risks’ linked with chemical substances, as required by EU law. And as the [recommendations of the PEST committee](#), adopted by a very large majority of the European Parliament, shows: The EU regulation and system for assessing pesticides may be among the best in the world, but there is still space for improvements.

The PEST report has a long list of recommendations for improvement, of which the European Commission clearly said they will take this into account during the Refit process of Regulation 1107/2009. Considering the quality of assessments of both substances and products, the PEST report calls for rapporteur member states to have sufficient resources and appropriate expertise (paragraph 4). It calls for an end to all plagiarism, which means that all citations should be clearly marked (para 51). The PEST report also calls for all studies including raw data to be fully assessed (para 47), to have a full completeness check, states that assessments should be based on up-to-date tests, including long-term toxicity (para 52).

Quite relevant in relation to our copy-and-paste study and our disagreement is also the European Parliament’s demand that published literature should be given the equivalent weight in the risk assessment as industry studies (para 44). Dismissing adverse effects described in independent studies can only be done with full justification (para 48). An essential criticism of our report on the BfR’s assessments is that you do not justify the dismissing of certain studies, but that you plagiarised the applicants appreciation of those studies.

We are dedicated to continue our work to achieve exactly these kind of improvements, as we trust you are as well.

In the meantime we are looking forward to hear from you.

Kind regards,

For the Greens/EFA: Bart Staes, Maria Heubuch, Michèle Rivasi, Thomas Waitz

For the S&D Group: Maria Noichl, Marc Tarabella, Karin Kadenbach, Guillaume Balas

For the GUE Group: Anja Hazekamp

ANNEX I

Misleading arguments in the BfR statement from 15 January 2019:

** BfR-Argument No 1: “Among other details in Volume 3, the BfR gives details of the applicant’s descriptions and assessments of the studies. The BfR’s critique and comments are added in cursive. Thus, it can easily be seen whether the BfR and applicant agreed or not on the findings of each individual study. ”*

Our Reply: This argument in order to defend itself against the accusation of plagiarism, has already been used for the same purpose by EFSA in October 2017 at the ‘Monsanto Hearing’ by the ENVI committee of the European Parliament. However, one of the central findings of the new plagiarism report is that this argument was false and misleading, because it only applies to those chapters of the BfR report in which industry studies are assessed. But no one has ever claimed that these chapters contain "plagiarism". However in the chapters in which published studies are assessed by BfR, significant plagiarism could be detected.

Under heading ‘Results’ the authors write: “The study authors identified different approaches of the BfR, depending on whether the authority was dealing with the manufacturers’ own unpublished studies, referred to as “industry studies”, or studies that were carried out by academic, private or governmental researchers, independently from the manufacturers, referred to as “published studies”. Plagiarism was discovered exclusively in the chapters dealing with the assessment of published studies [...]. Among other things, each of the 58 so-called Klimisch evaluations of published studies in the BfR’s assessment report were copy pasted from the application for approval and presented as the assessments of the authorities.” (Cfr: See plagiarism report Executive Summary; page7)

“As far as the BfR and the EFSA are concerned, it is striking that these authorities have never responded seriously to a specific allegation of plagiarism, let alone refuted any of them. Instead their strategy seems to have been to divert attention from the core of the plagiarism allegations. The clearest example of this was provided by Jose Tarazona at the ‘Monsanto Hearing’, when he responded to allegations of plagiarism that refer exclusively to chapters on published studies, with examples picked only from chapters on industry studies.” (Cfr, See also plagiarism report 4.1 Answering special research questions; page53)

** BfR-Argument No 2: “The BfR’s independent health assessment of all of the studies submitted by the applicants and the researched literature is to be found in Volume 1 and not in Volume 3, which was the focus of the new report. This report concludes here that the BfR independently formulated approximately 90% of the decisive chapter in the glyphosate draft. ”*

Our Reply: Also this BfR statement is false. The authority assumes that our report contains a conclusion which is obviously not stated anywhere in the report and which also would have been contrary to the facts. Our report came to quite different conclusions:

Firstly, we could confirm the research of the German public service broadcaster ARD, that Tarazona issued a false claim when he stated in a TV-documentary that “there is no copy and

paste in Volume 1”. (Cfr, Chronology of the controversy over copy paste and plagiarism; p. 5)

Secondly, our report also states clearly that although Volume 1 contains assessments from different German authorities, plagiarism could be detected almost exclusively in those chapters that are attributed to the BfR. And this increases the share of plagiarism committed by the BfR even in Volume 1, where the assessment is summarized and a decision is proposed, significantly. For example, the rather important subchapter on glyphosate and Non-Hodgkin's Lymphoma has been almost 50% plagiarized in Volume 1. This can easily be seen in our report on page 47ff (facsimile 3.3.1-2, p. 47ff).

We also refer to the chapter 4.1 (“Answering special research questions; page 53”) in which the authors ask “what conclusions can be drawn from this copy paste and plagiarism analysis with regard to the statement by the head of the pesticides unit at the EFSA that “there is no copy paste in Volume 1 of the RAR” ? The answers of the authors is quite clear: “This statement is wrong. There seem to be two possible reasons for it: Stating a lie or a lack of knowledge (wrong briefing from the team).”

** BfR-Argument No 3: “Moreover, the term 'plagiarism' is not relevant in this context.”*

Our Reply: We refer to subchapter 3.3.2 of our study (“Detailed analysis of the subchapter “2.6.6 Summary of long-term toxicity and carcinogenicity”; page 46”) in which the authors state that “Plagiarism as a clear case of scientific misconduct in Volume 1 was found almost exclusively in the paragraphs attributed to the BfR. Especially in the subchapter 2.6.6, the summary of published literature on the carcinogenicity of glyphosate-based formulations has been grossly plagiarised.”

Lastly we would like to emphasize the definition of Plagiarism in our report (page 5): it is the “malign” form of copy paste. Plagiarism is nearly always connected with cheating and deception of the reader. We define plagiarism in accordance with the “Principles of ‘Good Scientific Practice’ of the BfR. The definition reads as follows: “Unauthorised use under the pretence of authorship”. This means that the real author is concealed and the reader gets a wrong impression about the authorship. The reader falsely attributes sentences, phrasings, data, statistics, synopses, etc. to an indicated or supposed author, when in fact they were collected, arranged, and written by another author. The international gold standard of scientific citation practice is the guideline of the American Psychological Association – APA. The APA states: “The key element of this principle is that authors do not present the work of another as if it were their own work. This can extend to ideas as well as written words.” And the recommendation is clear: “Quotation marks should be used to indicate the exact words of another.”