



Concentration of corporate power in global food systems and its implications for the realization of the right to food

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Collective submission by [FIAN Germany](#) and [Coordination against BAYER dangers](#) to the call for input by the Special Rapporteur on the right to food.

1. How does the concentration of power in the in the hands of a relatively small number of corporations affect food sovereignty and the right to food in your country or region? Please, if relevant, share examples of how corporate-led food systems have negatively impacted the human rights of communities, workers, small-scale farmers and vulnerable groups in your country/region.

On the global and extraterritorial impact

Germany is home to three agro-multinationals: BAYER, BASF and KWS. Their market power has an impact not only in Germany, but in the whole world. In general, the process of so called “consolidation” in the agricultural sector results in reduced diversity and standardized supply, making food systems more vulnerable to disruption.

The pesticide sector: 40 percent of global glyphosate production is emitted by BAYER.ⁱ When Hurricane Ida paralyzed production in Luling in the US in 2021 and less glyphosates came from China, this led to supply bottlenecks and subsequently to drastic price increases. Many farmers did not have the opportunity to switch to other herbicides. Genetically modified seeds, when used, are typically engineered to be resistant to glyphosate. Even farmers who work conventionally, do not have many alternatives, as the choice of herbicides is very limited.

This is why wild plants are more and more able to adapt to the few available products and develop resistances. Their number is constantly increasing, which in turn leads to increased use of pesticides. This poses a threat to biodiversity and local food systems.

BAYER itself cites the oligopolistic structures in the agro-business as the reason for the limited choice. “For more than 25 years, the global crop protection industry has not developed and launched an economically significant herbicide with a new mode of action for field crops - partly as a result of the consolidation of the industry, which was accompanied by a significant reduction in research expenditure for new herbicides,” said BAYER researcher Dr. Hermann Stübler in 2012.ⁱⁱ

The situation is similar in the insecticide sector. There have been no new approvals in Europe for ten years. And fungicides are no exception. Overall, the pesticide sector has seen hardly any significant developments. While 70 percent of agrochemicals on the market were still new in 2000, according to the Heinrich Böll Foundation, this figure will shrink to 15 percent by 2022.ⁱⁱⁱ

The development of products and practices that are less harmful to humans, animals and the environment is urgently needed but blocked through this concentration of corporate power.

The seed sector: The seed market as well is dominated by a handful of players, which results in a high degree of uniformity. Hardly any of the immense wealth of varieties can be found in supermarkets. The range is standardized. What's more, taste and nutritional value hardly play a role in these varieties. Instead, companies are courting the fruit growers with the promise of abundant harvests. BAYER, for example, who hold among the [most patents globally](#) (see next para), advertises “high-tech tomatoes” that promise good harvests, sometimes even “record yields”, which makes the fruit “a profitable choice for the grower”.

Producers also attach great importance to a long shelf life in order to make the crops fit into globalized food production with its long transport routes. But such bred-in properties have negative nutritional side effects: a high-performance tomato of a hybrid variety contains 29 percent less magnesium than an old variety, as well as 56 percent fewer polyphenols, 58 percent less lycopene and 72 percent less vitamin C.^{iv}

The dire consequences of this standardization are particularly evident in bananas. The 'Cavendish' is now virtually the only banana variety still cultivated on a large scale, but it is under serious threat from the 'Tropical Race 4' fungus, for which no effective fungicide currently exists. “When you send a harvesting machine into your field, you want to have plants that grow to the same height, ripen on the same day and so on. This uniformity endangers our food system because just one disease can wipe out everything,” Chikelu Mba from the FAO once warned.^v

Patents: As if that were not enough, the agro-multinationals want to extend their dominant market position in this sector by applying for patents on plants that were not created using genetic engineering, but by means of conventional processes. BAYER, for example, was granted patent rights in 2023 on a broccoli that was developed by crossbreeding with a wild species from Sicily and therefore allegedly contains more health-promoting bitter substances.

Patents are primarily intended to protect market dominance and limit competition. For this very reason, the agro-corporations are pushing vehemently for the patentability of new genetic technologies. “As with other technologies, the protection of intellectual property is of crucial importance for the new genome technologies,” states Matthias Berninger from BAYER. This is the only way that companies can generate the profits that financial market players demand of them.

The association of German plant breeders BDP and even the conservative German farmers' association DBV criticize these efforts because they massively endanger unrestricted access to biological material and thus especially breeding progress. “The protection systems for intellectual property in plant breeding must be taken into consideration and a quick, legally binding solution must be created, according to which biological material that also occurs or could occur in nature cannot be patented,” demands BDP Managing Director Dr. Carl-Stephan Schäfer.^{vi} DBV- President J. Rukwied also warns: “There must be no patents on plants.”^{vii}

The genetic engineering sector reflects the same pattern that is seen in other industries: a small number of suppliers and limited diversity. Furthermore, the most widely cultivated genetically modified crops — maize, soy, rapeseed, and cotton — are not primarily used for direct human consumption, but rather for animal feed, biofuel, or textile production.

Price agreements: In Germany, a cartel of seven major agrochemical wholesalers systematically [coordinated pesticide price lists](#) between 1998 and 2015, forcing farmers to pay inflated prices, and attracting nearly €155 million in fines from the Bundestaskartellamt. These [illicit price-fixing practices](#) exacerbated the oligopolistic power in the market, squeezing farmers who lacked alternative sources and insight into transparent pricing. As a result, farmers faced significant financial burdens, as purchasing pesticides became disproportionately expensive relative to their revenue, undermining their profitability and resilience. In parallel, the retail sector—namely Metro, Edeka, and Netto—also faced multi-

million euro fines for price-fixing agreements, demonstrating how market concentration across the supply chain can lead to widespread consumer harm. These fines send a clear message that both upstream suppliers and downstream retailers can distort markets through collusive behavior, with downstream effects on farmers and consumers alike. The German cases highlight the urgent need for stricter oversight, meaningful competition regulation, and hefty penalties to dismantle price-fixing structures and support agricultural and consumer welfare.

On the national German context

An issue of concern related to the national German food systems is the highly concentrated food retail sector. It is dominated by an oligopoly of four major retailers. Together, they control 87 % of the food market.^{viii} As a result, farmers/ food producers are heavily dependent on these four companies and are often forced to accept extremely low prices. They report unfair price negotiations, during which retailers push through their profit margins without considering the suppliers' production costs.

The pressure on costs is an important driver that drives especially small-scale food producers out of the food systems. Today Germany only has some [255.000 farms](#) left with an ongoing loss of some 3-4.000 additional farms each year. This process is further supported by the [direct payments](#) of the EU, that give more public money the larger the farm. In this regard the concentration process at the heart of the food systems, at farm level, is massive and unstoppable.

2. What alternatives to corporate-controlled food systems are you promoting or supporting (e.g., agroecology, food cooperatives, community-supported agriculture)?

In Germany, there are many alternatives to corporate-controlled food systems that fulfil (at least one of) the [13 agroecological principles](#) set out by the CFS-High Level Panel of Experts. This includes at least [1.697 farm based shops](#) (in federal state Northrhine Westphalia alone), over [2.000 local farmers markets](#), up to [1.500 foodcoops](#) (self-organized consumer cooperatives who buy directly from farms or wholesale markets), [three supermarket cooperatives](#) (like foodcoops, but sell products in member owned store), approx. [170 Self-Harvesting-Gardens](#) (consumers rent, maintain and harvest a plot of land prepared by farmers) as well as [480+ initiatives of Community Supported Agriculture](#) (CSA) – in direct translation from German: Solidary Agriculture.

Overall, these initiatives and mergers create spaces that, to a large extent, operate outside of world market logics – especially when the food is produced organically and producers don't rely on external inputs from the corporate sector. People connect themselves with the food they eat by becoming an active part of the production and distribution cycles or by direct interaction with those who produce their food. For food producers, models such as CSAs drastically improve their planning security and autonomy from the corporate food system, as CSA-members pay a fixed amount in a regular cycle – usually each month. Within the CSA model, farmers are not paid based on a market driven value of their produce but for the value of their work that is collectively decided by the members. This makes CSAs a model for a circular and people led economy.

To protect and promote non-corporate food actors is the aim of another strand of initiatives in Germany. To this belong the [9 Regional-Value-Holdings](#) (Regionalwert AGs). Their [6.200 stockholders](#) (citizens, municipalities, local authorities) invest in regional organic farms, processing plants, logistics etc.. Dividend payments are only planned when a holding makes a monetary profit, which so far this is not the case with any of the Regionalwert AGs. Another example is the land cooperative Kulturland eG whose [2.609 members](#) acquire land (721 ha) and make the land available to regionally integrated farms (49) that market organic food locally, provide nature conservation, landscape management etc. As the run on land – especially by non-agricultural actors – in Germany creates an ever-higher concentration solidarity financing initiatives like these gain in importance for the preservation and promotion

of a non-corporate driven food system. The [Ackersyndikat](#) is another initiative of a decentralized solidarity network of self-organized farms. It ensures that agricultural land always belongs to the people who farm and use it in an ecologically responsible manner. The land is not private property, but communal property that cannot be sold.

The almost [9.000 different bakery](#) enterprises in Germany are also an important part of diversification and power leveling in German food systems. Additionally, there are still a number of small bakeries with their own mill, such as the [DLS bakery](#), that draws its grain from local organic farmers. The association of Free Bakers (Freie Bäcker) with their at least [33 member enterprises](#), focuses on the protection of craftsmanship in terms of a holistic process in which experience, sensory perception and respect for raw materials and nature work together. In the highly concentrated dairy market, (organic) farmer run cooperative dairies such as the [Upländer Bauern Molkerei](#) that draw their milk from regional organic farmers, are an important institution promoting diversity.

Another often disregarded but still important actor who diversify foodscapes in Germany are grocery stores with a [diasporic background](#) – such as shops with predominantly African, Indian, Turkish, Arabic, Eastern European, Korean, Japanese, Mexican etc. products.

To support diverse food systems in Germany, the alternative family farming association (Arbeitsgemeinschaft bäuerliche Landwirtschaft - AbL) as well as the Regional Movement Association (Regionalbewegung) are the most important advocacy groups. The AbL, with its [2674 members](#), represents the interests and rights of peasants, small- and medium-scale organic as well as conventional farmers that work together for sustainable, socially and environmentally compatible agriculture. From overall 263.000 farmers in Germany 70 percent or [180.000 are peasants and small-scale farmers](#) (up to 50 ha, status 2020). To preserve peasant's autonomy in the seed sector and protect peasants' rights to the reproduction of seeds as enshrined in the UNDROP, the association for seed reproduction (IG Nachbau) is an important pillar of the AbL. Regionalbewegung is the umbrella organization for all food actors who want to strengthen regional economic cycles and promote regional value creation (regional initiatives, micro, small and medium-sized enterprises, municipal initiatives, food crafts, small-scale agriculture etc.).

The AbL, Freie Bäcker and other civil society, academic and agricultural organizations will establish an [Agroecological Praxis Alliance](#) in June.

Food Policy Councils – citizen initiatives – have also become an important monitor and promoter of regional, fair and sustainable food systems. [In Germany there are over 60.](#)

Initiatives with State Participation

The competition for model regions (Modellregionenwettbewerb) issued by the German ministry for food and agriculture BMLEH is a valuable state led initiative to promote regional food systems as well as their sustainability and – especially with its focus on public procurement – accessibility of healthy food for everyone. Among the ten selected projects, from a right to food and agroecology perspective, [FoodConnectRuhr](#) sticks out. The cooperation between the food council Dortmund, ILS research institute for land and city development, the city of Dortmund as well as the civil society and advisory organization Nahhaft works to improve the sustainability, health and regionality of out-of-home food. At the same time, this approach is used to create incentives for the expansion of regional organic agriculture. Another goal is to grant access to healthy, sustainable food for as many people as possible in Dortmund through inclusive support services for financially disadvantaged households. With this approach the city of Dortmund acts to fulfil its duties in relation to the right to adequate food, including the promotion of agroecology as enshrined in the UNDROP. At interest, more such projects can be highlighted.

3. What barriers or threats do these alternative systems face from dominant corporate actors or state policies?

While positive examples exist, the dominant structures and policies have been shaped in favor of a corporate-driven food systems. Here we would like to address the **discursive power of big corporations**. With their marketing, lobby and media work – including through powerful associations – they are able to shape public discourses that hinder alternatives rooted in human rights. On emblematic example was the impact of the war of Russia against the Ukraine. Through their dominant media outlets and lobby activities, they managed that the majority of the German public thought that most of the grains from Ukraine went to poor countries and fed poor people (while in reality this made only a very small share). The reduced export from Ukraine was then misused to argue Germany has to produce more under the conventional industrial production scheme and resulted in scrapping ecological, transformative policies. This political backlash through dominant discourses can also be observed at [European Union level](#).

Related to this issue of *discursive power* is the largest farmer's association (Deutscher Bauernverband, DBV). It is the most powerful agriculture association in Germany with very [intimate ties to the politics](#), especially the Ministry of Agriculture, Food and Regional Identity. High ranked members of the DBV frequently have top positions as members of board of directors in companies that are part of the corporate (such as BayWa, BAYER, Südzucker or Agravis Raiffeisen AG).

Especially artisanal food producers like non-corporate bakeries or local butchers and farming initiatives have the problem that regulations in the food systems (like on sanitation, documentation duties...) are overwhelmingly designed for the corporate sector (also a result of lobby activities). This can lead to discrimination of artisanal food producers and small-scale farmers.

Farming and being a peasant have become extremely capital intense in Germany. Latest data shows that in German farming every job is backed by over 790.000 Euro capital.^{ix} This makes farming one of the most capital-intensive branches and also indicates the massive hurdle for young farmers to enter in agriculture.

In addition we would like to share the following observation: In **German development cooperation** the role of financial instruments is heavily increasing. Between 2016 and 2023 the development bank KfW increased their investments in so called development funds by 150 % (to 4 Billion Euro).^x This financialization of development cooperations frequently leads to (hidden) funding of dominant transnational corporation in the food system. On example is the [Legacy Landscape Fund](#). Its rational is to make typical financial investments to generate money that is then used for nature protection. The fund holds bonds worth 500.000 Euro of the TNC Unilever.

4. What kind of legislation is needed in your country to limit the growing corporate concentration and power in food systems and allowing to hold corporations accountable for human rights violations?

As enshrined in the United Nations Declaration of the Rights of Peasants and Other People Working in Rural Areas (UNDROP) as well as in [policy products](#) of the Committee on World Food Security (CFS), states should promote enabling environments for the advancement of locally or regionally embedded [territorial markets](#) in contrast to corporate driven markets and agro-industrial food chains.

In general, international cooperation on problems of market concentration in food systems should be strengthened. This can and should take place in various forums, such as the International Competition

Network of competition authorities and in UN institutions (such as CFS and UNCTAD). With its mandate to coordinate international actions on food security and the right to food, the CFS could play a central role. In the long term, one goal could be the development of an international legal framework for the transnational effects of market power.

6. Please share your experiences within a social and solidarity economy?

Please see the answer to question 2. At international level, we would like to draw your attention to the CSIPM reports [Voices from the ground 1 +2](#) that highlight such experiences like for example the solidarity kitchens in Brazil and their role during the Covid pandemic.

- ⁱ BAYER-Manager Rodrigo Santos at shareholder meeting 25 April 2025
- ⁱⁱ top agrar, 22 November 2012
- ⁱⁱⁱ <https://www.boell.de/de/2022/01/04/pestizidatlas>
- ^{iv} „Das Saatgut-Kartell“, movie by Linda Bendali
- ^v Rheinische Post, 4 January 2017
- ^{vi} Press Release Bundes der deutschen Pflanzenzüchter, 5 July 2023
- ^{vii} Frankfurter Allgemeine Zeitung, 2 July 2023
- ^{viii} Data from Lademann & Associates for 2024, cited in Oxfam (2024) “Unternehmen Ungleichheit”
- ^{ix} <https://www.situationsbericht.de/3/31-kapitaleinsatz>
- ^x <https://dserver.bundestag.de/btd/20/129/2012903.pdf>