



Voice of the Voiceless.

EU LEGISLATION AND FOIE GRAS PRODUCTION: ASK THE COMMISSION

So far, in this term of the European Parliament (2014-2019), 24 Written Questions (WQs) have been tabled in relation to foie gras, 21¹ of which have already received an answer by the Commission. Other WQs have been tabled, but do not appear on the EP website yet. 15 answers have been given by Commissioner Andriukaitis, and 6 by Commissioner Hogan.

The MEPs who tabled the aforementioned 24 WQs have been elected in 9 EU MS, and belong to the EPP, S&D, ECR, ALDE, GUE/NGL, Greens/EFA, and EFDD groups.

From the answers provided by the Commission, it appears evident that despite the fact that the 1999 Recommendations of the Council of Europe concerning geese and Muscovy ducks and their hybrids² are considered as part of EC law³, almost nothing has been done to ensure their implementation, entirely leaving this task to the good will of the relevant authorities of Member States instead.

The answers given by the Commissioners initially tend to be reassuring and generic, but when more detailed questions are asked, it is evident that since 1998 (approval of Directive 58/98/EC) foie gras production in the EU has taken place without almost any monitoring from the EU Commission.

Ironically, the 1999 Council of Europe Recommendations required both a review of such requirements after 5 years, and that the "Standing Committee shall be informed annually of the results obtained and measures taken to improve housing and management procedures and control production." Nevertheless, the Standing Committee is no longer operative; therefore compliance with such parts of the Recommendations is impossible.

The Commission is aware⁴ that welfare problems are present in foie gras production as presently conducted, i.e. by force-feeding, but it says that it is focusing on implementation of the present rules rather than proposing new ones⁵. Nevertheless, little details have been provided so far on what they have done since 1999 to favour the implementation of this piece of EC law.

In fact, through a number of WQs it has been possible to have a clearer idea of what the Commission has done to ensure the implementation of the present rules.

In July 2015⁶ Mr Andriukaitis affirmed that "The Commission is closely monitoring the situation in France with the view to achieving compliance with the recommendation of the Council of Europe". Successive answers to questions concerning the details of this "close monitoring" reveal that apparently the only activities since 1998/9 have been part of two FVO inspections, which included a Hungarian farm in 2011, and two French farms in 2012. Problems were highlighted in both inspections, but no information is available on whether these issues have been tackled.

¹ E-000034-2015, E-000067-2015, E-003674-2015, E-007603-2015, E-012154-15, E-012751-15, E-012935-15, P-013307-15, E-013747-15, E-014037-15, E-014286-15, E-014447-15, E-014448-15, E-015054/2015, E-015254/2015, E-014920/2015, E-015352/2015, E-000902-16, E-000476-16, E-001951-16, E-002001-16

² 'Recommendation Concerning Muscovy Ducks (*Cairina moschata*) and Hybrids of Muscovy and Domestic Ducks (*Anas platyrhynchos*) adopted by the Standing Committee at its 37th meeting on 22 June 1999' and 'Recommendation Concerning Domestic Geese (*Anser anser* f. *domesticus*, *Anser cygnoides* f. *domesticus*) and their Crossbreeds adopted by the Standing Committee at its 37th meeting on 22 June 1999'

³ See E-010605-12

⁴ E.g. E-012154/2015

⁵ E.g. E-000067/2015

⁶ E-007603/2015



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The CoE Recommendations require that “Countries allowing foie gras production shall encourage research on its welfare aspects and on alternative methods which do not include gavage”⁷.

In March 2015, Commissioner Andriukaitis affirmed⁸ that “Research has been carried out in the main producer countries.” Nevertheless, when he was asked to provide details of such pieces of research (authors, titles, etc), the answer was that “the Member States are not under an obligation to report to the Commission on this matter. The Commission thus does not have an overview of studies that have been performed on this topic.”⁹ Even more contradictory is what was affirmed in November 2015¹⁰: “The Commission is aware that the latest scientific report of the Scientific Committee on Animal Health and Animal Welfare on welfare aspects of the production of foie gras was issued in 1998. The Commission has not been informed of any new studies (...).”

Even without considering the CoE Recommendations, the existing EU legislation on foie gras presents an evident contradiction between the content of Directive 58/98/EC¹¹ and the minimum liver weights set in Commission Regulation (EC) No 543/2008. The minimum liver weights were established in 1991 and revised in 1995, but the scientific basis is unclear, and at the present minimum liver weights can only be achieved through force-feeding (with only rare exceptions in geese). Therefore, the present rules offer a commercial advantage to farmers who adopt the practices which are the most detrimental to animal welfare.

It is evident that the present EU legislation fails to discourage the practice of force-feeding in foie gras production. *De facto*, minimum liver weights impose it. Producers who do not force-feed are penalised on the market.

The legitimacy of force-feeding rests on a line of the CoE Recommendations that cannot be enforced in some parts, e.g. their review after five years and the production of annual reports by producing countries, because the Standing Committee that produced them is no longer operative.

The Commission has no information on what happens in foie gras production, with the exception of a total of three farms inspected by the FVO in 2011 and 2012¹².

This situation completely leaves the foie gras sector out of the scrutiny of EU control, and it is evident that the efforts required by existing legislation to replace force-feeding with humane farming practices are not being made, nor monitored at all at the EU level. Therefore, an EU-wide ban on force-feeding in foie gras production should be proposed.

In the short term, the reference to minimum liver weights should be deleted from Art. 1, point 3 of the Commission Regulation (EC) No 543/2008, in order to stop penalising farmers who choose to adopt more humane production methods, in line with Directive 58/98/EC.

Adolfo Sansolini
Consultant, GAIA

Intergroup on the Welfare and Conservation of Animals – Strasbourg, 12 May 2016

⁷ Art. 24 of the Recommendation Concerning Muscovy Ducks and Hybrids of Muscovy and Domestic Ducks, and Art. 25 of the Recommendation Concerning Domestic Geese and their Crossbreeds

⁸ E-000034/2015

⁹ E-015054/2015

¹⁰ E-012751/2015

¹¹ “No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.”

¹² E-014037/2015, E-15254/2015, E-002001-16