



Voice of the Voiceless.

The Commission's answers on foie gras, and the need to remove minimum liver weights in Commission Regulation (EC) 543/2008

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Consultant, GAIA



Photo: L214 (Périgord Noir, 2014)

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



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WHY WE ARE HERE TODAY

- Foie gras production by force-feeding is one of the most controversial farming practices in the EU (legal in 5 MS only)
- According to the EU Commission, the legality of force-feeding is based NOT on Directive 58/98/EC, but on a line in the 1999 CoE Recommendations
- Tight controls should be in place
- MEPs have tried to know more



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WRITTEN QUESTIONS ON FOIE GRAS IN THIS TERM OF THE EP (2014-2019)

21 WQ already answered (15 Andriukaitis, 6 Hogan)

3 WQ waiting for an answer

Others tabled, but not yet on EP website

24 WQs tabled by MEPs:

**7 Groups: EPP, S&D, ECR, ALDE, GUE/NGL,
Greens/EFA, EFDD**

9 Countries: BE, DE, EL, ES, FI, IT, LT, MT, UK



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MONITORING

July 2015 : (E-007603/2015, Eck): “The Commission is closely monitoring the situation in France with the view to achieving compliance with the recommendation of the Council of Europe”

October 2015: (E-014286-15, Castaldo): “Can the Commission share the data in its possession regarding farms that have adopted alternatives to force-feeding and to the use of individual cages (...)”?

“What sanctions has the Commission produced for violations of the recommendations since 1999?”

January 2016: “The Commission does not dispose of the information referred to by the Honourable Member. There is no legal obligation for the Member States to provide such data to the Commission.”

“It follows from the EU Treaties that the Member States' public authorities and courts have the main responsibility for the application and enforcement of EU law (...)”

February 2016: (E-000902-16, Castaldo): “(...) not a single sanction for the violation of these recommendations has been imposed by the Commission?”

March 2016: The Commission refers to other answers, none of which contain such information.



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MONITORING / 2

November 2015 (E-015254/2015, Kouloglou):

1. "Does the Commission have data on whether foie gras producers in the Member States comply with these explicit requirements?"
2. What instruments are in place, at either EU or Member State level, to ensure compliance with such provisions? (...)"

February 2016: "According to Commission Decision 2006/778/EC , Member States are obliged to annually report to the Commission certain data on compliance with European Union (EU) animal welfare rules. However, data on the specific provisions of the Council of Europe recommendations are not included. The Commission thus does not have the requested information.

It is furthermore the Member States' primary responsibility to ensure compliance with EU law. Regulation (EC) No 882/2004 on official controls provides them with the necessary tools to do so."

March 2016 (E-001951-16, Kouloglou): "Does the Commission not think that a practice strongly opposed by most EU citizens and in contradiction with the requirements of Council Directive 58/98/EC should be strictly and constantly monitored? Does it intend to propose integrating into Commission Decision 2006/778/EC the aforementioned data on the specific provisions of the Council of Europe recommendations?"

April 2016: "(...) It is primarily the Member States' responsibility to ensure proper enforcement of Union law. The Commission monitors the Member States in this respect **and does so regularly.** (...) Currently other species and production systems are prioritised.

For the same reason, the Commission is currently not considering amending Decision 2006/778/EC so as to include reporting obligations for certain requirements pertaining to the production of foie gras."



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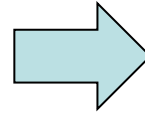


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ON-SITE CONTROLS SINCE 1998

FVO inspections:

- 1 farm in Hungary in 2011
- 2 farms in France in 2012



IN TOTAL !!!

(E-014037/2015 Mizzi, E-15254/2015 Kouloglou, E-002001-16 Pietikäinen)

Problems highlighted in both inspections.

No information on whether they have been tackled



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RESEARCH ON ANIMAL WELFARE

“Countries allowing foie gras production shall encourage research on its welfare aspects and on alternative methods which do not include gavage”

(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)

March 2015: (E-000034/2015, Demesmaeker): "Research has been carried out in the main producer countries."

November 2015: (E-012751/2015, Pietikäinen): "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 (...)."

February 2016: (E-015054/2015, Staes): "With regard to research into alternatives to force feeding, 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."

September 2015: (E-012935-15, Sebastía): "Can the Commission share the data in its possession on farms in Member States allowing foie gras production that have adopted alternatives to force-feeding and to the use of individual cages as a result of such research since 1999?"

October 2015: "In the performance of its duties under the Treaties, the Commission does not acquire information of the kind referred to by the Honourable Member. It is therefore unable to answer the question."





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MINIMUM LIVER WEIGHTS

300g for ducks and 400g for geese
(Commission Regulation (EC) No 543/2008)

Since 1991 (E-014448/2015, Caputo): 250g and 400g respectively. Why?
Increased to 300g for ducks in 1995. Why?

Directive 58/98/EC: “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.”

March 2015 (E-000034/2015, Demesmaeker): “The EU poultry marketing standards are currently being reviewed by the Commission and are in principle planned to be adopted in 2016. Any revision of these standards should take into full consideration the Council of Europe Recommendations”

October 2015 (E-013747/2015, Arimont): “How does the Commission explain this inconsistency? Surely the stipulation on minimum weights for duck and goose livers should be deleted from the regulation in order to enable alternative feeding and production methods to develop?”

December 2015: "The marketing standards for foie gras, including minimum weights, were fixed to ensure a level playing field for foie gras producers on the internal market and to guarantee a certain level of quality for consumers."



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MINIMUM LIVER WEIGHTS / 2

November 2015 (E-014920/2015, Sommer): "If the Commission considers it essential for the legislation to retain a minimum liver weight, should it not commission studies aimed at establishing which maximum liver weights can be achieved without force-feeding, and adapt the legislation to the birds' physiology rather than promoting an artificial practice which is detrimental to their welfare?"

March 2016: The Commission refers to other answers, which do not answer the question.

December 2015 (E-015352/2015, Girling): " (...) this had an impact on some producers, who now have to use other denominations for their products made of fattened livers under such minimum weights. The establishment of higher minimum liver weights placed implicit pressure on producers to increase the use of gavage.

(...) therefore:

– Has the Commission conducted an impact assessment on the consequences for producers of the decision taken in 2008 to increase the minimum liver weights for foie gras production, in terms of both business revenue and changes in production patterns?"

March 2016: The Commission refers to other answers, which do not answer the question.

It is unclear how the present minimum liver weights were established, and they create a commercial advantage for farmers who adopt the worse practices



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Photo: L214

CONCLUSIONS

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.

Legitimacy of force-feeding rests on a line of the CoE Recommendations that cannot be enforced in some parts, e.g. review and annual reports.

The Commission has no information on what happens in foie gras production (exception: 3 farms in 2011-12).

Its information on producing countries is based on EuroFoieGras information (Feb 16, E-015054/2015, Staes)



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OUR PROPOSALS

The present legislation is contradictory, and force-feeding is allowed only on the questionable assumption that the partly non-enforceable CoE Recommendations prevail on the rest of EU law.

This is leaving the sector out of EU control, therefore an EU-wide ban on force-feeding in foie gras production should be proposed.



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OUR PROPOSALS / 2

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.



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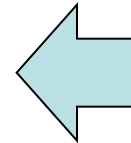
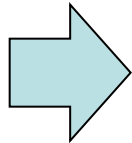
3. Foie gras

The livers of geese, or of ducks of the species *Cairina muschata* or *Cairina muschata* x *Anas platyrhynchos* which have been fed in such a way as to produce hepatic fatty cellular hypertrophy.

The birds from which such livers are removed shall have been completely bled, and the livers shall be of a uniform colour.

The livers shall be of the following weight:

- duck livers shall weigh at least 300 g net,
- goose livers shall weigh at least 400 g net.



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3. Foie gras

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