

Dear Mr Vryonides,


We regret not having replied sooner. However, it transpired that this letter was sent solely to Humane Society International who had reasonably assumed you had also sent it to the other signatories and so did not circulate it.

Force feeding

As animal protection organisations, we welcome your assurance that the Commission is aware of the impact that force feeding may have on the welfare of animals and “is encouraging actively Member States to comply with EU requirements.” However, it is not clear to which EU requirements your letter is referring. Is it correct to assume that this statement is referring to the two sentences of paragraph 14 of the Annex to Council Directive 98/58/EC?

Furthermore, we would be grateful if you could provide some indication of what the Commission is doing to actively encourage Member
States to comply with EU requirements. In particular, we would be grateful to know whether the Commission has communicated the fact that force feeding raises serious issues under paragraph 14 of the Annex to Council Directive 98/58/EC.

Your letter refers to Article 39, Paragraph 2 TFEU which provides:

“2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:

(b) the need to effect the appropriate adjustments by degrees.”

While we recognise the need for adjustments to be made by degrees, the question is whether the Commission has taken any concrete steps to urge the Member States, which still permit the force feeding of ducks and geese, to bring this practice to an end, despite the acknowledgement in Article 39 TFEU that such changes may be accomplished “by degrees.”

We welcome your statement that you will examine the practice of force feeding in France and contact Hungary for information about Hungarian foie gras production, and that you will keep us informed once you have received statements from these Member States. We would be grateful if you could inform us whether the practice of force feeding in France has now indeed been examined and whether you have received statements from France and Hungary.

**Individual force feeding cages**

You state that in 2010 the Commission reached an agreement with the French authorities to allow a transition period to systems of collective housing until 2015. This formal authorisation by the Commission to postpone this aspect of the Recommendation of the Standing Committee of the European Convention for the protection of animals kept for farming purposes was not explicitly mentioned in the letter sent to L214 on 3rd June 2010 (ref 2009/4427). In order to more precisely understand the content, we would be grateful if you could send us a copy of this agreement. In addition, could you send us, if it exists, the exemption that has been granted to the Hungarian authorities?

In your letter dated 3rd June 2010, you mention the control of the programme for the elimination of individual cages through annual reports on animal welfare inspections that must be carried out in accordance with Commission Decision 2006/778 EC. Could you please give us the status of these annual reports issued by France and Hungary?

The recent audit report 2012/6633 carried out in France by the FVO revealed the absence of a clear legal foundation for the elimination of individual force feeding cages. Will the Commission require France to implement this Recommendation into national law?

**Collective force feeding cages**

Given that individual cages have been primarily replaced by collective force feeding cages (and not by floor pens), we would like to draw your attention to the requirements that such collective housing must meet under the terms of the Recommendation concerning Muscovy ducks and hybrids of Muscovy and domestic ducks.

In a letter dated 11th April 2011, L214 informed you of the non-conformity of the collective cages already installed in foie gras farms otherwise considered to be in compliance with applicable standards. In effect, the wire floors of the cages used do not allow for a layer of litter. Paragraph 6 of Article 10 of the Recommendation states that: “Where ducks are housed, floors shall be of a suitable design and material and not cause discomfort, distress or injury to the birds. The floor shall include an area sufficient to enable all birds to rest simultaneously and covered
with an appropriate bedding material." On this same requirement, paragraph 4 of Article 11 is likewise clear: "Adequate litter shall be provided and maintained, as far as possible, in a dry, friable state in order to help the birds to keep themselves clean and to enrich the environment."

In this letter, L214 also showed, with measures for support, that most systems currently on the market do not provide the birds with enough space to flap their wings without difficulty, in contradiction to paragraph 7, Article 10 of the Recommendation.

In answer to this report, Mr. Gavinielli stated to L214 on 9th June 2011 that the Commission had informed the French authorities of the necessity of ensuring that housing systems for ducks are in conformity with European standards.

However, on 25th July 2011, the Directorate General for Food at the French Ministry of Agriculture issued a memorandum outlining the minimum technical specifications, which housing for ducks during force feeding must meet under the Recommendation. This memorandum makes no mention of the Recommendation’s requirements concerning litter. In fact, no manufacturer of collective cages has made any allowances for litter in their designs.

According to the latest figures published in the press, 30% of French force feeding stations should now have made the transition to collective housing. It is certain that a majority of these stations use collective cages without litter, on a wire mesh floor. We are able to provide you with extensive documentation to support this claim. It appears that the French authorities have failed in their duty to the full and proper implementation of EU requirements.

Further to this, we understand that the Commission has also approved State Aid to the foie gras sector for installation of new systems (State Aid 367/2010). However, as regards the non-compliance of the collective cages benefitting from this state aid, we ask the Commission to act quickly to prevent the further granting of aid, which would allow the installation of non-compliant systems, for which the negative impact on animal welfare would continue for years after 1st January 2016.

Could you please tell us what action has been undertaken by the European Commission to urge France to take the necessary corrective measures?

Definition of foie gras in French law

Under Commission Regulation (EC) No 543/2008 (and previous Regulation (EEC) No 1538/91), force-feeding is not a prerequisite for classifying fatty livers as ‘foie gras.’ However, since 2005, ‘foie gras’ has been defined in French national law as the liver of a bird fattened by force-feeding.

In a written answer to MEPs Yves Cochet and Keith Taylor on 24th January 2013, Commissioner Borg stated that the Commission would assess whether the French law is in line with the definition contained in Regulation (EC) No 543/2008 and clarify whether the definition given in the French law would prevent any fatty liver obtained by alternative methods from being considered and hence marketed as ‘foie gras’ in France. The French law defining ‘foie gras’ as the liver of a bird fattened by force feeding appears to be incompatible with Article 24 of the Recommendation which provides that “Countries allowing foie gras production shall encourage research on ... alternative methods which do not include gavage.”

We thank you in advance for keeping us informed of the Commission’s conclusions on this particular question.

Search for alternatives to force feeding

In answer to a written question from MEP Sirpa Pietikäinen, Commissioner Borg replied on 15 January 2013: “Up to now, the Commission has not monitored on a regular basis the ways in which countries producing foie gras encourage research to alternatives to gavage and has not received specific information on alternative protocols to the ones currently practised.”

As the Recommendation requires countries that allow force feeding to encourage research on alternative methods which do not include force feeding (Art. 24), will the Commission now consider the search for alternative methods as a requirement and will it be monitored in those countries producing foie gras?

Yours sincerely,

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