

Submission to the European Parliament Subcommittee on Human Rights (DROI)

Subject: Human Rights Concerns Regarding the Proposed UPOV 1991 Obligation in the EU–Philippines Free Trade Agreement Negotiations

Dear Chair and Members of the European Parliament's Subcommittee on Human Rights (DROI),

We are writing to express our serious concern regarding the European Union's position in the ongoing negotiations for an EU–Philippines Free Trade Agreement (FTA), specifically the proposal requiring the Philippines to align its plant variety protection regime with the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV 1991).

As the European Parliament's consent will be required before the Agreement can be concluded pursuant to Article 218(6) of the Treaty on the Functioning of the European Union (TFEU), we respectfully encourage the Subcommittee on Human Rights to engage at this stage of the negotiations to ensure that the final Agreement is fully consistent with the European Union's human rights obligations.

We believe that the proposed obligation to require the Philippines to accede to or comply with UPOV 1991 raises significant human rights concerns. If included in the final Agreement, it would further restrict the Philippines' ability to protect farmers' rights, preserve farmer-managed seed systems, and fulfil its obligations relating to the right to adequate food. We therefore respectfully request that the Subcommittee examine the human rights implications of this proposal and engage with the European Commission before negotiations are concluded.

According to the report of the sixth round of negotiations, published on 18 June 2026, negotiations on the intellectual property chapter have been substantially concluded, although negotiations remain ongoing and the Agreement has not yet been signed or ratified. The latest publicly available EU negotiating proposal provides:

"Each Party shall protect plant variety rights in accordance with the International Convention for the Protection of New Varieties of Plants (UPOV Convention) as lastly revised in Geneva on 19 March 1991."

These concerns should be considered in light of the socio-economic context of the Philippines. The country is classified as a lower-middle-income economy, and agriculture accounts for approximately one-fifth of total employment. Farming is overwhelmingly small-scale, with an average farm size of

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approximately 1.3 hectares. Measures that increase farmers' dependence on commercial seed markets or weaken customary seed systems are therefore likely to have disproportionate impacts on vulnerable rural communities.

In its current plant variety protection law to comply with international trade regimes, Philippines deliberately provides broader protection for farmers' rights. In particular, Section 43(d) of the Philippine Plant Variety Protection Act protects the traditional rights of small farmers to save, use, exchange, share, and sell farm-saved seed under specified conditions. These provisions recognize the central role that farmer-managed seed systems play in supporting rural livelihoods, agricultural biodiversity, and food security.

When assessing the Philippine legislation in 2007, UPOV concluded that Section 43(d) was incompatible with UPOV 1991 because it exceeded the limited optional farmers' exception contained in Article 15(2) of the Convention. Compliance with UPOV 1991 would therefore require the Philippines to repeal or substantially amend these protections. If Philippines does so it will be turning a historical practice into a possible crime, as UPOV 91 allows the imposition of prison time for possible infringements.

This is not merely a technical issue of intellectual property law. It concerns the ability of millions of smallholder farmers to continue centuries-old seed-saving and seed-sharing practices that are fundamental to their livelihoods, resilience and food security. Restricting these practices would reduce farmers' access to seed, limit their ability to select and develop locally adapted varieties in response to climate change, increase production costs for resource-poor farmers, and diminish the policy space available to the Philippine Government to pursue food security and rural development objectives.

These concerns are supported by empirical evidence. A [Human Rights Impact Assessment examining the implications of UPOV 1991 in the Philippines, Kenya and Peru](#) concluded that restrictions on the use, exchange and sale of farm-saved seed could adversely affect the right to adequate food by making improved seed less accessible and more expensive, particularly for small-scale farmers. Seed sales also constitute an important source of supplementary income for many farming households.

The proposal has generated significant concern among Philippine farmers, Indigenous Peoples, scientists and civil society organisations. In 2024, a Joint Statement opposing Philippine accession to UPOV 1991 was endorsed by 184 organisations worldwide. More recently, during consultations with Philippine government officials, representatives of the Bureau of Plant Industry acknowledged that the Philippines cannot simply accede to UPOV because of existing national legislation and international obligations protecting farmers' rights. On 19 May 2026, a petition signed by 456 Filipino farmers' and

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Indigenous organisations was presented during the EU–Philippines Stakeholders' Consultation calling on both negotiating parties to remove the UPOV provision from the FTA negotiations. A copy of the petition is attached. Also attached is a copy of the letter sent by SEARICE to Philippine DTI (Department of Trade and Industry).

On 27 May 2026, representatives of European and Philippine civil society organisations met with officials from the European Commission's Directorate-General for Trade (DG TRADE) and Directorate-General for International Partnerships (DG INTPA). During that meeting, DG TRADE acknowledged the sensitivity of the issue and indicated its willingness to consider proposals advanced by the Philippine Government. However, the Commission has not made the current negotiating text publicly available.

Our concerns are further heightened because this negotiating approach is not limited to the Philippines. Similar issues have arisen in negotiations on an enhanced Economic Partnership Agreement with the Eastern and Southern African States and in other ongoing trade negotiations. Civil society organisations following these negotiations have reported that the Commission has also sought commitments requiring alignment with UPOV 1991. This suggests that the European Union is pursuing a broader practice of incorporating UPOV 1991 obligations into bilateral trade agreements with developing countries, notwithstanding longstanding concerns expressed by United Nations human rights mechanisms regarding the implications of such commitments for farmers' rights, biodiversity and the right to food.

In his report *Seeds, Right to Life and Farmers' Rights* (A/HRC/46/33), presented to the Human Rights Council in 2021, the United Nations Special Rapporteur on the Right to Food recommended that States should not pressure other States to join UPOV through bilateral or regional agreements and encouraged the removal of such requirements from existing and future trade agreements.

The proposed negotiating position also appears difficult to reconcile with the European Union's obligations under Article 21 of the Treaty on European Union, which requires the Union's external action to be guided by democracy, the rule of law, the universality and indivisibility of human rights, respect for human dignity and respect for international law. It also raises questions regarding consistency with the EU Action Plan on Human Rights and Democracy and the principle of Policy Coherence for Sustainable Development.

In light of the above, we respectfully request that the Subcommittee on Human Rights:

1. Examine the compatibility of the proposed UPOV 1991 obligation with the European Union's human rights obligations, including the rights to adequate food, participation, and the rights of peasants and Indigenous Peoples.

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2. Investigate all the contradictions between UPOV 91 and the EU's Human Rights obligations.
3. Request that the Commission explain how this negotiating practice is compatible with Article 21 TEU, the principal of Policy Coherence for Sustainable Development, the EU's human rights commitments, and the recommendations of the UN Special Rapporteur on the Right to Food.
4. Urge the European Commission to withdraw the proposed UPOV 1991 provision from the EU–Philippines FTA negotiations, and more broadly from trade negotiations with countries of the Global South, in order to preserve their policy space to adopt plant variety protection systems consistent with their constitutional frameworks, development priorities and international human rights obligations.
5. Ensure that these issues are fully considered by the European Parliament before it is asked to give its consent under Article 218(6) TFEU, including, where appropriate, through a hearing, an exchange of views with the Commission, or a request for further information concerning the human rights implications of the proposed intellectual property provisions.

We would welcome the opportunity to meet with Members of the Subcommittee or its Secretariat to discuss these concerns further and to provide additional information, including the Human Rights Impact Assessment and supporting documentation.

We thank you for your consideration and for your continued commitment to ensuring that the European Union's external action remains fully consistent with its human rights obligations.

Yours sincerely,

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On behalf of:

- Eliseo Rusol, Advocacy Officer, MASIPAG (Farmer-Scientist Partnership for Development)
- Normita [Surname], Executive Director, SEARICE (Southeast Asia Initiatives for Regional Empowerment)
- Julie Smit, European Coordinator, People Coalition for Food Sovereignty Europe (PCFS Europe)
- François Meienberg, Director, APREBES (Association for Plant Breeding for the Benefit of Society)