



TREATY SERIES 2004
Nº 8

European Landscape Convention

Done at Florence on 20 October 2000

Signed on behalf of Ireland, without reservation as to Ratification,
on 22 March 2002

Entered into force with respect to Ireland on 1 March 2004

Presented to Dáil Éireann by the Minister for Foreign Affairs

EUROPEAN LANDSCAPE CONVENTION

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and that this aim is pursued in particular through agreements in the economic and social fields;

Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment;

Noting that the landscape has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation;

Aware that the landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity;

Acknowledging that the landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas;

Noting that developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and recreation and, at a more general level, changes in the world economy are in many cases accelerating the transformation of landscapes;

Wishing to respond to the public's wish to enjoy high quality landscapes and to play an active part in the development of landscapes;

Believing that the landscape is a key element of individual and social well-being and that its protection, management and planning entail rights and responsibilities for everyone;

Having regard to the legal texts existing at international level in the field of protection and management of the natural and cultural heritage, regional and spatial planning, local self-government and transfrontier co-operation, in particular the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 19 September 1979)*, the Convention for the Protection of the Architectural Heritage of Europe (Granada, 3 October 1985)†, the European Convention on the Protection of the Archaeological Heritage (revised) (Valletta, 16 January 1992)‡, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid, 21 May 1980)§ and its additional protocols, the European Charter of Local Self-government (Strasbourg, 15 October 1985)**, the Convention on Biological Diversity (Rio, 5 June 1992)††, the Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972), and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice on Environmental Matters (Aarhus, 25 June 1998);

Acknowledging that the quality and diversity of European landscapes constitute a common resource, and that it is important to co-operate towards its protection, management and planning;

Wishing to provide a new instrument devoted exclusively to the protection, management and planning of all landscapes in Europe,

HAVE AGREED as follows:

CHAPTER I GENERAL PROVISIONS

Article 1 *Definitions*

For the purposes of the Convention:

- a "Landscape" means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;

* Irish Treaty Series N° 13 of 1992

† Irish Treaty Series N° 8 of 2000

‡ Irish Treaty Series N° 4 of 1998

§ Irish Treaty Series N° 5 of 1983

** Irish Treaty Series N° 6 of 2002

†† Irish Treaty Series N° 2 of 1997

- b "Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes;
- c "Landscape quality objective" means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings;
- d "Landscape protection" means actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity;
- e "Landscape management" means action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes;
- f "Landscape planning" means strong forward-looking action to enhance, restore or create landscapes.

Article 2

Scope

Subject to the provisions contained in Article 15, this Convention applies to the entire territory of the Parties and covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.

Article 3

Aims

The aims of this Convention are to promote landscape protection, management and planning, and to organise European co-operation on landscape issues.

CHAPTER II NATIONAL MEASURES

Article 4

Division of responsibilities

Each Party shall implement this Convention, in particular Articles 5 and 6, according to its own division of powers, in conformity with its

constitutional principles and administrative arrangements, and respecting the principle of subsidiarity, taking into account the European Charter of Local Self-government. Without derogating from the provisions of this Convention, each Party shall harmonise the implementation of this Convention with its own policies.

Article 5 *General measures*

Each Party undertakes:

- a to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
- b to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures set out in Article 6;
- c to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph b above;
- d to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

Article 6 *Specific measures*

A. Awareness-raising

Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.

B Training and education

Each Party undertakes to promote:

- a training for specialists in landscape appraisal and operations;
- b multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned;

- c school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.

C Identification and assessment

1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:

- a
 - i to identify its own landscapes throughout its territory;
 - ii to analyse their characteristics and the forces and pressures transforming them;
 - iii to take note of changes;
- b to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.

2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8.

D Landscape quality objectives

Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.

E Implementation

To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.

CHAPTER III EUROPEAN CO-OPERATION

Article 7 *International policies and programmes*

Parties undertake to co-operate in the consideration of the landscape dimension of international policies and programmes, and to recommend, where relevant, the inclusion in them of landscape considerations.

Article 8

Mutual assistance and exchange of information

The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:

- a to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;
- b to promote the exchange of landscape specialists in particular for training and information purposes;
- c to exchange information on all matters covered by the provisions of the Convention.

Article 9

Transfrontier landscapes

The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.

Article 10

Monitoring of the implementation of the Convention

1. Existing competent Committees of Experts set up under Article 17 of the Statute of the Council of Europe shall be designated by the Committee of Ministers of the Council of Europe to be responsible for monitoring the implementation of the Convention.
2. Following each meeting of the Committees of Experts, the Secretary General of the Council of Europe shall transmit a report on the work carried out and on the operation of the Convention to the Committee of Ministers.
3. The Committees of Experts shall propose to the Committee of Ministers the criteria for conferring and the rules governing the Landscape award of the Council of Europe.

Article 11

Landscape award of the Council of Europe

1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan

their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.

2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.

3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.

4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.

CHAPTER IV FINAL CLAUSES

Article 12

Relationship with other instruments

The provisions of this Convention shall not prejudice stricter provisions concerning landscape protection, management and planning contained in other existing or future binding national or international instruments.

Article 13

Signature, ratification and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. The Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.

3. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first

day of the month following the expiry of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 14

Accession

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite the European Community and any European State which is not a member of the Council of Europe, to accede to the Convention by a majority decision as provided in Article 20.d of the Council of Europe Statute, and by the unanimous vote of the States parties entitled to hold seats in the Committee of Ministers.

2. In respect of any acceding State, or the European Community in the event of its accession, this Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 15

Territorial application

1. Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which the Convention shall apply.

2. Any Party may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. The Convention shall take effect in respect of such territory on the first day of the month following the expiry of a period of three months after the date of receipt of the declaration by the Secretary General.

3. Any declaration made under the two paragraphs above may, in respect of any territory mentioned in such declaration, be withdrawn by notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.

Article 16

Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.

Article 17 *Amendments*

1. Any Party or the Committees of Experts mentioned in Article 10 may propose amendments to this Convention.

2. Any proposal for amendment shall be notified to the Secretary General of the Council of Europe who shall communicate it to the member States of the Council of Europe, to the others Parties, and to any European non-member State which has been invited to accede to this Convention in accordance with the provisions of Article 14.

3. The Committees of Experts mentioned in Article 10 shall examine any amendment proposed and submit the text adopted by a majority of three-quarters of the Parties' representatives to the Committee of Ministers for adoption. Following its adoption by the Committee of Ministers by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the States parties entitled to hold seats in the Committee of Ministers, the text shall be forwarded to the Parties for acceptance.

4. Any amendment shall enter into force in respect of the Parties which have accepted it on the first day of the month following the expiry of a period of three months after the date on which three Council of Europe member States have informed the Secretary General of their acceptance. In respect of any Party which subsequently accepts it, such amendment shall enter into force on the first day of the month following the expiry of a period of three months after the date on which the said Party has informed the Secretary General of its acceptance.

Article 18 *Notifications*

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State or the European Community having acceded to this Convention, of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 13, 14 and 15;

- d any declaration made under Article 15;
- e any denunciation made under Article 16;
- f any proposal for amendment, any amendment adopted pursuant to Article 17 and the date on which it comes into force;
- g any other act, notification, information or communication relating to this Convention.

IN WITNESS whereof the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Florence, this 20th day of October 2000, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State or to the European Community invited to accede to this Convention.