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LANDSCAPE IN LANGUAGES AND LAWS OF THE STATES PARTIES TO THE EUROPEAN LANDSCAPE CONVENTION

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Summary

The European Landscape Convention and the Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention state:

European Landscape Convention

“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;” (Article 5, a. – General Measures)

Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention

“... ”

I.3. Legal recognition of landscape

The legal recognition of landscape implies rights and responsibilities on the part of all institutions and citizens of Europe towards their physical surroundings.

The landscape in which they live is the result of many change-producing actions resulting from the activity of various stakeholders in territorial processes in highly varied ways and on differing scales of time and space. Such activities may be the outcome of action by public authorities in establishing a large-scale infrastructure or of individual action in a restricted space.

... ”

Considering the provisions of the European Landscape Convention and of the Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention on legal recognition of landscape in law, the Conference is invited:

- to take note of the “*Report on Landscape in languages and laws of the States Parties to the European Landscape Convention*” prepared by the Secretariat of the Council of Europe, on the basis of a questionnaire addressed to the Parties to the Convention¹;
- to inform the Secretariat of any possible additions or changes;
- to consider that the Report will be updated on the basis of the information available in the Council of Europe Information System on the European Landscape Convention – L6.

¹Last up to date. Updates received: Andorra: 19 May 2014; Austria: 25 February 2013; Belgium: 16 July 2013 (Flemish Region: 15 May 2014); Bosnia and Herzegovina: 8 May 2014; Finland: 15 May 2014; Hungary: 27 June 2013; Ireland: 22 May 2014; Latvia: 3 June 2014; Lithuania: 25 February 2013; Moldova: 4 July 2013; Spain: 13 May 2014; Turkey: 2 July 2013; United Kingdom: 25 February 2013; Switzerland: 2013.

REPORT

LANDSCAPE IN LANGUAGES AND LAWS OF THE STATES PARTIES TO THE EUROPEAN LANDSCAPE CONVENTION

1. *Definition of “landscape” in languages*
2. *Legal definitions of the term “landscape”*
3. *The place of landscape in the constitutions*
4. *Specific laws relating to landscape*
5. *General laws and codes relating to landscape*

1. Definition of “landscape” in languages

Andorra – Landscape is a piece of surface of the earth structured by the inter relation of its elements (abiotic, biotic, antropics) and dynamised by natural and anthropic energies. An area, as perceived by people, whose character is the result of interaction between natural and/or human factors.

Belgium – The Flemish and Walloon Region adopted the definition of landscape as defined in the European Landscape Convention, that is to say: Landscape is defined as a zone or area as perceived by local people or visitors, whose visual features and character are the result of the action of natural and/or cultural (that is, human) factors. This definition reflects the idea that landscapes evolve through time, as a result of being acted upon by natural forces and human beings. It also underlines that a landscape forms a whole, whose natural and cultural components are taken together, not separately. In the Flemish Region, the Dutch word *landschap* refers to an area, as perceived by people.

Bosnia and Herzegovina – Landscape is a perception of the composition of natural and cultural values in an environment.

Croatia – Nature Protection Act and Environmental Protection Act adopted the definition of landscape as defined in the European Landscape Convention. In the Cultural Heritage Strategy cultural landscape is defined as topographically defined area which reflects interaction of man and nature through time. For the term landscape in use are two Croatian words of similar meaning: *krajolik*, *krajobraz*. The word *krajolik* is mainly used in the humanities, social and technical disciplines, and the word *krajobraz* in natural disciplines.

Cyprus – The term landscape derives from the word for “place” and is linguistically defined as “a usually open physical space in terms of its characteristics, which renders it an object of aesthetic value to mankind”.

Czech Republic – Landscape is a part of the earth’s surface having characteristic relief, consisting of functionally interconnected ecosystems and civilisation elements.

Finland – Landscape is considered as land surface as a whole, visible to the viewer and natural view. In the Cultural Environment Strategy (2014) cultural landscape is defined as environment formed through the interaction between humans and nature that can be viewed in the context of, for example, regionality, visual qualities, experience or history.

France – Landscape is defined as a rural territory which can be identified immediately if you are looking from above or from a higher place by its cohesion between elements that look at first sight dispersed.

Denmark – Natural and cultural landscapes are important parts of landscape definition. The use of the landscape term in relation to cities is uncommon.

Ireland adopted the definition of landscape in the European Landscape Convention: “Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”.

Italy – Landscape is the totality of the sensorial characteristics (emphasis on the visual aesthetics component) of a place and its surrounding elements.

Latvia – Landscape is seen as a physical-geographical complex and the embodiment of traditions, customs and aesthetic qualities of historical and cultural heritage. It is an evidence of both the historic and modern relationships between humans and the environment. In the past, it was considered as a kind of natural beauty and a place which must be protected due to evidences of the uniqueness of the nature and cultural heritage. Nowadays the term “landscape” in general society is mostly used for characterising beautiful places, which are nice to visit. Lately, the landscape ecology approach has been applied as well to develop policy plans for particular areas and regions. The state policy stresses on a wider look at landscapes, including urban and everyday landscapes as well.

Malta – Landscape is the totality of the sensual characteristics (emphasis on the visual aesthetics component) of a place and its surrounding elements.

Republic of Moldova – Landscape is defined as vital components of earth, concentrated on one territory, resulting from natural and manmade factors; a view.

Montenegro – Landscape is defined in the Montenegrin language as an area guided by the human eye whose characteristics are the result of mutual action of natural and human factors.

Norway – Landscape is a smaller area constituting a naturally defined unity.

Poland – Landscape is considered as a visible part of space, natural and/or partially, or completely shaped by human activities.

Portugal – Landscape is considered as a visible part of space, natural and/or partially, or completely shaped by human activities.

Romania has not made a definition of landscape in line with the European Landscape Convention and is working on it.

San Marino – Landscape is all of the characteristics of a well-defined locality; the typical aspects of a region with many beautiful natural features.

Slovenia – Landscape is a smaller or larger piece of land with regard to its form, land cover and spatial order.

Spain – Landscape (*paisaje*) is a multivalent term including several loose semantic notes: scenery (something to be looked on as a unity from a vantage point: prospect, panorama, view, vista); the sensorial dimension of territory (emphasis on visual qualities and rural spaces); representation of a piece of land by artistic means (emphasis on landscape painting). This ambivalence is evident from the definition in the Royal Academy Dictionary of the Spanish language: - A piece of land as surveyed from a viewpoint; - A piece of land considered in its artistic dimension; - A painting or a picture representing a piece of land.

Sweden – The term basically has two meanings: on the one hand, landscape as an historical, territorial/political unit founded on cultural and geographical features which many people identify with still today. In this respect, the term is equivalent to “province”. On the other hand, landscape as the physical environment in general terms, including the scenic dimension.

Switzerland refers to a non-legal definition of the term landscape which can be found in the “Swiss landscape draft” (Swiss Government Decree 19 December 1997).

The Glossary of the “Swiss Landscape Concept” (Swiss Federal Council, Bern 1997) states: “The landscape includes all of space, inside and outside populated areas. It results from the combination of natural factors in constant evolution, such as the subsoil, soil, water, light, climate, fauna and flora, and their interaction with cultural, social and economic. Our relationship with the landscape is central to the ‘Swiss Landscape Concept’. It is therefore based on a comprehensive understanding of the concept of landscape. It takes into account both the problems of perception, assessment and identification as related to operations interests. At once vital and economic space, the landscape will remain long-term exploitable if man learns to manage its resources more measured and more effective”.

“The former Yugoslav Republic of Macedonia” – The term landscape is often identified with the term *paysage*, i.e. it is used without knowing its exact meaning. In spoken language and in social disciplines, the term *paysage* (from French) is used, and it means a picture of a particular area i.e. a visual experience (an expanse of scenery that can be seen in a single view). The term “landscape” (from English) means a complex multi-functional part of nature i.e. functional spatial/territorial system which is used in its biographical meaning. Over the past decades, landscape has been perceived as a geographical category or biogeographical category (the biogeographical perception is based on the works of *Matvejev*). In the Macedonian language, the “landscape” is defined as a dynamic natural-territorial system of natural components actively used during their long history, which resulted in changes of its natural features, physiognomic marks and reduction of the potential of its resources.

Turkey – Landscape is a perception of a complete composition of natural and cultural values in an environment.

United Kingdom – Dictionary definitions originally and traditionally focussed on the visual aspect of landscape. For example, landscape as scenery, depicted in art or designed. Definitions have widened considerably during the 20th century, particularly in terms of recognising landscape as a cognitive, perceived thing, in terms of ‘historic landscape’ and in terms of scale and functionality. Landscape was described in the “Landscape Character Assessment: Guidance for England and Scotland” as being “about the relationship between people and place”. It provides the setting for our day-to-day lives. The term does not mean just special or designated landscapes, and it does not only apply to the countryside. Landscape can mean a small patch of urban wasteland as much as a mountain range, and an urban park as much as an expanse of lowland plain. It results from the way that different components of our environment – both natural (the influences of geology, soils, climate, flora and fauna) and cultural (the historic and current impact of land use, settlement, enclosure and other human interventions) – interact together and are perceived by us. Most specialist and professional usage of the term now reflects the European Landscape Convention definition, and Natural England have recently carried out research assessing how this is articulated and defined in government legislation, policy and technical advice. The Environmental Impact Assessment process applies the accepted discipline of landscape and visual impact assessment. This assessment process has established the distinction between the character of a landscape and its visual experience by people. The European Landscape Convention defines the landscape as marine as well as terrestrial and in the last few years both Seascape Characterisation and Historic Seascape Characterisation have developed rapidly to recognise this.

Ukraine – Landscape is an integral natural and territorial complex with genetically homogeneous and uniform natural conditions of localities, which have developed as a result of an interaction of

components of the geological environment, relief, hydro geological regime, soils and biocenoses. In addition, landscape is also a territorial system comprising interacting natural or natural and anthropogenic components and complexes of lower taxonomic rank.

2. Legal definitions of the term landscape

Andorra – The European Landscape Convention definition of landscape has been translated into the official language Catalan and published in the Andorran Legal Gazette (BOPA): “Landscape: means an area, as perceived by people, whose character is the result of natural factors and/or human resources and their interrelationships”. This definition was also included in the draft law on nature conservation, which is currently under negotiation.

Austria – The legal definition of landscape is a characteristic, individual part of earth’s surface, being defined by interactive relations between instant geographical features, including those of human geography, even if impacts by humans, as e.g. buildings, represent only a subordinate part of landscape.

Belgium – In the Flemish Region, the legal definition of landscape in the Flemish Parliament Act on immoveable heritage of 12 July 2013 (which will enter into force on 1st January 2015) is identical to the European Landscape Convention definition. Furthermore, this Act defines the cultural-historical landscape as a “delimited area” in which zones are mainly delineated on the basis of their cultural-historical value and to which management and protection measures are then applied. This last definition refers to the current definition of landscape, as embedded in the Flemish Parliament Act of 16 April 1996 on the protection of landscapes.

Bosnia and Herzegovina – Landscape is a land or maritime area formed by the action of nature and man with extraordinary aesthetic, ecological and/or cultural value, and often with large shifts in biological diversity.

Croatia uses the legal definition of landscape from the European Landscape Convention: landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

Cyprus uses the legal definition of landscape from the European Landscape Convention: landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

Czech Republic – The term is not defined by law, but Czech Republic applies the definition of the European Landscape Convention.

Denmark and **Poland** do not have a legal definition of their own of the term landscape, but other legal definitions exist (e.g. landscape values, landscape protection, natural environment, historical landscape, etc.) and concepts (e.g. landscape as scenery) concerning landscape.

Finland – The term is not defined by any law, but Finland applies the definition of the European Landscape Convention.

Greece – The legal definition is: “It is a dynamic of all biological and non-biological forces and elements concerning the environment, which have separately or in interaction a precise place that forms visual experiences”.

Hungary – There are two legal definitions. Act. No. CXI. of 2007 on the Promulgation of the European Landscape Convention, dated in Florence on 20 October 2000 which uses the legal definition of landscape of the European Landscape Convention. According to the Act No. L III of

1996 on the Protection of Nature, landscape means a confinable part of earth's surface with a particular structure and characteristics, specific natural assets and natural systems combined with the characteristic features of human culture, where the forces of nature and the artificial (man-made) environmental elements coexist and interact.

Ireland adopted the definition of Landscape in the European Landscape Convention in 2010 in an amendment to the Planning & Development Act 2000-2013.

Czech Republic – The term is not defined by law, but Czech Republic applies the definition of the European Landscape Convention.

Latvia uses the legal definition of landscape from the European Landscape Convention: landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

Lithuania – In the Law on Protected Areas, landscape shall mean a territorial compound of the land surface natural (surface rocks, ground level air, surface and ground waters, soil, living organisms) and/or anthropogenic (archaeological remnants, structures, engineering installations, land and information on the field) components related by material, energy and information links; natural landscape shall mean a landscape which has preserved a natural character; cultural landscape means a landscape created as a result of human activities and reflecting its co-existence with the environment. In the National Landscape Policy (2004), the official landscape definition is supplemented with the meaning of landscape according to the European Landscape Convention: a territorial compound of the land surface natural (surface rocks, ground level air, surface and ground waters, soil, living organisms) and/or anthropogenic (archaeological remnants, structures, engineering installations, land and information field) components related by material, energy and information links; an area, as perceived by people, whose character is the result of the action and interaction of natural and human factors.

Malta – There are several definitions and one is: “Landscape are the characteristics, patterns, forms and structures of the environment, including the traits, patterns, forms and structures of a specific geographic area, its biological composition, its physical environment, its geomorphology, its palaeontology, its lithostratigraphy and its anthropogenic and social patterns”.

Republic of Moldova – The Moldavian draft law on landscapes uses the definition of the term landscape of the European Landscape Convention.

Portugal – The legal definition is: “the landscape is a geographical, ecological and aesthetic unit, which is the result of human actions and natural processes, being primitive when the action is minimal and being natural when the human action is decisive, taken into account the biological equilibrium, the physical stability and the ecological dynamic”.

Poland – There is no legal definition of the landscape. Landscape is defined as part of an environment (Article 3 of Environmental Protection Law Act). According to the Act of Nature Conservation, landscape protection is defined as maintaining the characteristic of a landscape (Article 5) and is part of nature conservation (Article 2).

San Marino – The legal definition is: “Presence in a limited area of miscellaneous natural, historical and cultural elements which share a harmonious link”.

Slovak Republic – “Nature and landscape protection is the restriction of interventions that can endanger, damage or destroy conditions and forms of life, natural heritage, features of landscape, decrease its ecological stability as well as elimination of such operation”. There was a proposal to use the landscape definition from the European Landscape Convention in the new version of the Act on

Spatial Planning and Construction Order, which is currently under revision. The current situation is not known.

Slovenia – There are three definitions of landscape. In the Spatial planning Act it is defined as a “part of the physical space, characterised by a prevailing presence of natural components and is the result of the interaction and influence of natural and human activity”. The Cultural Heritage Protection Act defines cultural heritage (including also cultural landscapes) as areas and complexes and surviving materialised works as the result of human creativity, social development and events, whose protection, owing to their historic, cultural and civilizational importance, is in the public interest. In the Nature Conservation Act the landscape is defined as: landscape shall be a spatially explicit part of nature with specific distribution of landscape components resulting from the characteristics of living and non-living nature and human activity.

Spain – There is no legal definition at a national level. Nonetheless, some regional laws have been drafted in the wake of the European Landscape Convention which introduces a definition of the term landscape in agreement with the Convention. The National Plan for Cultural Landscape adopts the following national definition of Cultural Landscape: “Cultural landscape is the result of people interacting over time with the natural medium, whose expression is a territory perceived and valued for its cultural qualities, the result of a process and the bedrock of a community’s identity”.

“The former Yugoslav Republic of Macedonia” – The legal definition of landscape is “a topographically defined territory consisting of a characteristic mosaic of interdependent types of ecosystems, which could be or have been subject to specific human activities. The development of the landscape is under influence of natural and/or anthropogenic factors or a combination of both.”

Turkey uses the legal definition of landscape from the European Landscape Convention: landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

Ukraine – The legal definition of landscape is either an integral natural and territorial complex with genetically homogeneous and uniform natural conditions of localities, which have developed as a result of an interaction of components of the geological environment, relief, hydrogeological regime, soils and biocenoses or it is a territorial system comprising interacting natural or natural and anthropogenic components and complexes of lower taxonomic rank.

3. Place of landscape in constitutions

Andorra – Article 31 of the Constitution states: “It is for the State to ensure the rational use of land and all natural resources to ensure everyone a dignified quality of life, and to restore and preserve it for future generations, a sound ecological balance of the atmosphere, water and land, and protect the native flora and fauna”. Article 34 of the Constitution states: “The State guarantees the preservation, enhancement and promotion of the historical, cultural and artistic heritage of Andorra”.

Belgium – Article 23 from the Constitution mentions the right to the protection of a safe environment. In the Flemish region, the articles concerning landscape in the constitution are the following ones: “The cultural affairs embodied in Article 127 of the Constitution are ... the cultural patrimony, the museums and the scientific cultural institutions with exception of the monuments and sites” (Law August 1980, Art. 4) and “the embodied competences of Article 39 of the constitution in reference to spatial planning are: urbanism and spatial planning; co-ordination plan of the municipal road network; the acquisition, planning, equipment of grounds for industrial use, for craft use and for administrative use as well as for other infrastructures towards investors, which include investments in the equipment of industrial zones neighbouring harbours and to make them available to the users; urban renovation; renovation of sites which are economically out of use; land politics; monuments and sites” (Law 8 August 1980, Article 6 paragraph 1. I).

Bosnia and Herzegovina – The term landscape is not specifically mentioned in the Constitution of Bosnia and Herzegovina.

Croatia – The term landscape is not specifically mentioned, but all its elements are contained in several provisions on environmental, natural and cultural heritage protection.

Cyprus – The term landscape is not specifically mentioned, but is construed from the usage of the term “spatial planning”, both within the Constitution itself and the town and country planning law, where the term “amenity” is interpreted to encompass the “landscape” concept.

Czech Republic – Landscape is mentioned in the Act on Nature and Landscape Protection. Landscape is not explicitly mentioned in the Constitution of the Czech Republic. Nevertheless Article 7 of the Constitution stipulates that: “The State cares for economical use of natural resources and for the natural wealth preservation”.

Finland – The term landscape is not specifically mentioned. The closest is §20 in the Constitution: “Everyone is responsible for nature, biodiversity, the environment and cultural heritage”.

Greece has no specific articles concerning landscape in its Constitution, but the protection of natural and cultural heritage is enshrined in it.

Ireland – Landscape is not included in the Constitution of Ireland – *Bunreacht na hÉireann*.

Italy – The Constitution’s Article 9 states: “The Republic safeguards the landscape and the historical and artistic heritage of the Nation”.

Lithuania – Landscape is not a subject of the Lithuanian Constitution, but Article 53 of the Lithuanian Constitution determines that the state and each person must protect the environment from harmful influences and Article 54 – that the state shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature and areas of particular value and shall supervise a sustainable use of natural resources, their restoration and increase, the destruction of land and the underground, the pollution of water and air, radioactive impact on the environment as well as depletion of wildlife and plants shall be prohibited by law.

Malta – The article concerning landscape in the Constitution is a declaration of principles that relate to the obligation of the state to safeguard landscape as well as historic and artistic patrimony.

Moldova – The term landscape is not specifically mentioned in the Constitution, but in article 37 it is mentioned that “everyone has the right to an environment, ecologically harmless to life and health, and harmless food and household items”.

Poland – The term landscape is not directly the subject of any provision of the Polish Constitution, but it is included in the Constitution as part of the environment. “The Republic of Poland shall ensure protection of the environment, guided by the principle of sustainable development.” – Article 5 and Article 74.

Portugal – The articles concerning landscape in the Constitution are: “To assure the environmental rights, in the field of sustainable development, there exists an obligation for the state, to organise and to promote spatial planning, with the aim of correct placements for activities, a socio-economically equilibrium and the enhancement of the landscape” and “ to assure the environment rights, in the field of sustainable development, there exists an obligation for the state, to create and to develop nature reserves and nature parks and recreation, as well as to classify and protect landscapes and sites, with

the aim of conservation of the nature and the protection of cultural values whether they have a historical or an artistic importance”.

Slovak Republic – The term landscape is used in relation to the environment in the Constitution’s Chapter Six - The Right to Protect the Environment and Cultural Heritage:

Article 44: - Every person shall have the right to a favourable environment. - Every person shall have a duty to protect and improve the environment and foster cultural heritage. - No person shall imperil or damage the environment, natural wealth and cultural heritage beyond the limits set by law. - The State shall be responsible for the economically use of natural resources, an ecological balance and an effective environmental policy.

Article 45: Every person shall have the right to full and timely information on the environmental situation, and reasons and consequences thereof.

Spain – There is no explicit mention of landscape in the Constitution. It only emerges as a partially unintended consequence from environmental and zoning policy. The Spanish Constitution (section 45) states the right of every Spaniard to enjoy an environment suitable for the development of the person, as well as the duty to preserve it. According to Section 148, the autonomous communities are granted jurisdiction over spatial planning and environmental protection. However, the preliminary text of the Constitution included an explicit mention to *landscape*. The final version, dated 1978, did away with this mention for the sake of brevity.

Switzerland’s Constitution includes articles on landscape, but none have been communicated for this report.

“The former Yugoslav Republic of Macedonia” – The term “landscape” is not a subject of definition in the Constitution (Official Gazette of RM No. 52/91, 91/01), but “the arrangement and humanisation of space and environment and nature protection” are among the basic values of the Republic of Macedonia as established in Article 8 of the Constitution. In the Law on Nature Protection (Official Gazette of RM No. 67/04) “landscape” defining, protection and management are subject to elaboration in a few chapters/articles. In the chapter ‘Definitions’, Article 6 of the said Law, the terms “landscape diversity, landscape and landscape types” have been defined. In the chapter ‘Category of Protected Areas’, Article 84, the term “protected landscape” is defined, and in Article 86, the manner of management of protected landscape is defined. In the chapter ‘Landscape Protection’, Articles 118, 119, 120 and 121 define the landscape types, elaborate the monitoring of their status and their valorisation, as well as how to reduce harmful consequences to the landscape. The issue of defining the “cultural landscape” and establishing its protective treatment is subject to elaboration in several chapters/articles of the Law on Cultural Heritage Protection (Official Gazette of RM, No. 20/04). Article 14 of the said Law defines the term “cultural landscape” as a specific type of immobile cultural heritage and is elaborated on with terminology and content in the National classification of the cultural heritage of the Republic of Macedonia (Official Gazette of RM, No. 37/06) through two basic types: cultivated areas and other cultural landscapes.

Turkey – There are some landscape related subjects in the Constitution, like nature law, environmental law, national parks law, nonetheless the term ‘landscape’ is not referred explicitly. Landscape is a subject in the definitions of protected areas and measures for the designation of protected areas.

Ukraine – Landscape is a subject of the basic Law of Ukraine “On Environmental Protection”, 1991 (Articles 1, 5 and others).

Armenia, Austria, Denmark, France, Hungary, Latvia, Montenegro, the Netherlands, Norway, Poland, Romania, San Marino, Slovenia and Sweden have no articles concerning landscape in their Constitutions.

The United Kingdom has no written constitution.

4. Specific laws relating to landscape

Andorra - there is currently no specific law on landscape, but there is a question on landscape in the draft law on nature conservation, which is currently under negotiation.

Austria – it is embodied in the Laws on Nature Conservation of the Federal States (Naturschutzgesetze der Länder.)

Belgium – there is no law specifically dedicated to landscape, nevertheless many articles from the Walloon Code on spatial, urbanism and landscape planning (CWATUP) explicitly refer to the term landscape. Moreover, landscape is mentioned in several regulations. In the Flemish Region, the Flemish Parliament Act of 16 April 1996 on the protection of landscapes regulates the protection and management of landscapes that are valuable in terms of cultural history. From the estimated date of 1st January 2015 this decree will be replaced by the decree of 12 July 2013 on immovable heritage.

Bosnia and Herzegovina – In both entities in Bosnia and Herzegovina (Federation of Bosnia and Herzegovina and *Republika Srpska*), landscape is dealt with by the Law on Nature Protection, the Law on Physical Planning, the Law on Environmental Protection and the Law on Protection of Cultural Heritage.

Croatia – There is no specific law solely concerned with landscape. Landscape is the subject of several provisions embodied in laws of a general environmental, nature and cultural heritage protection. Landscape is dealt by the Law on Ratification of the European Landscape Convention, the Law on Nature Protection, the Law on Physical Planning, the Law on Environmental Protection and the Law on Protection of Cultural Assets.

Cyprus – Landscape is both the subject of Law n° 4 (III)/2006, as well as explicitly embodied as a term within environmental assessment legislations and implicitly interpreted from terms such as “amenity” and “surroundings” in spatial planning legislation.

Czech Republic – There is no specific law; landscape is embodied in the Act on Nature and Landscape Protection (Act No. 114/19692 Coll., in the wording of later regulations).

Finland – Landscape is primarily dealt with in the Nature Conservation Law where landscape is subject to a separate chapter. The Land Use and Building Law include the national objectives for land use that concerns landscape areas among other things. Landscape values are also mentioned in several paragraphs in the Land Use and Building Law as details to take into consideration in all levels of land-use planning and in plans for building development.

France – The specific law dealing with landscape is the “Law on protection and on the enhancement of landscape and modifying certain legal dispositions in regard to public inquiries” (8 January 1993).

“The former Yugoslav Republic of Macedonia” – Among the existing legal regulations there is no specific law on landscape. The landscape is treated in the Law on Nature Protection (Official Gazette of RM, No. 67/04), in the Law on Cultural Heritage Protection (Official Gazette of RM, No. 20/04) and partly in the Law on Spatial and Urban Planning (Official Gazette of RM, No. 51/05).

Hungary – There is no specific landscape law as landscape is embodied in other laws: the protection of landscape is integrated mainly in Act. No. LIII. of 1996 on the Protection of Nature. In other laws e.g. Act No. LXIV. of 2001 on the Protection of Cultural Heritage, Act No. XXI of 1996 on Spatial Development and Planning, Act No. XXVI of 2003 on the National Spatial Plan (ANSP), Act No.

CXXII of 2000 on the Spatial Plan Balaton Resort District Area, Act No. LXIV of 2005 on the Spatial Plan of Budapest Agglomeration Area and Act No. LXXVII of 2011 on World Heritage also integrates landscape.

Ireland – There are no specific laws relating to landscape. However landscape is defined and spatial planning dealt with in the Planning and Development Act 2000-2013.

Italy – Landscape is dealt with by the Cultural Heritage and Landscape Code (D. Lgs. 22-1-2004 n. 42) Part 3: Landscape heritage.

Latvia – Landscape is dealt by Law on Protection of Cultural Monuments, Law on Specially Protected Nature Territories and the Spatial Development Planning Law.

Lithuania – There is no specific law. Landscape is a subject of the Law on Protected Areas (1993), the Law on Green Plots (2006), and the Law on the Protection of Immovable Cultural Heritage (1994), the Law on Coastal Strip (2002). Landscape protection statements are integrated in the Law on Environment Protection (1992), the Law on Land (1994), the Law on Local Self-government (1994), the Law on Territorial planning (1995), the Law on Environmental Impact Assessment (1996), the Law on Construction (1996), etc. There are some examples. In the Law on Protection of Immovable Cultural Heritage (Article 19) protection of Immovable Cultural Property Clusters or Separate Historical and Cultured Landscape Sites is defined. Landscape identity, its ecological, aesthetical and recreational values protection is the main objective of the designation of the Lithuanian Coastal strip in the Law on Coastal Strip. In the Law of Land (Article 9) it is stated that land users must use the land rationally and preserve landscape properties. In the Law of Construction (Article 2) it is stated that in approval of the design documentation, environmental and landscape requirements shall be specified; architecture of a construction must be in harmony with the landscape (article 5); it shall be mandatory to act in compliance with other laws, legal acts which regulate the environmental protection and the assessment of an impact of planned economic activities on the environment; protection of protected areas, landscape, immovable cultural heritage properties and their territories (Article 6), etc.

Republic of Moldova – The Ministry of Environment is revising the draft law on landscapes.

Montenegro – Landscape is dealt with by the Law on the confirmation of the European Landscape Convention and also in other laws such as the Law of Nature protection, Environment Law and Environment Impact Assessment Decree.

Norway – Landscape is dealt with by the Planning and Building Act.

San Marino – Landscape is dealt with the General Regulatory Plan – Law 7/92; consolidated Laws on Urban development and Housing – Law 87/95; Law for the Protection of Environment and the Safeguard of Landscape, Flora and Fauna – Law 126/95.

Slovak Republic – Landscape is dealt with by: Act No.50/1976 on Spatial Planning and Construction Order, Act No. 543/2002 on Nature and Landscape Protection, Act No. 24/2006 on Environmental Impact Assessment, Act No. 49/2002 on the Protection of Monuments.

Slovenia – Landscape is not a subject of a specific law, but it is embodied in other laws. These are: Spatial Planning Act (2007), Nature Conservation Act (2004), Culture Heritage Act (2007), Agricultural Land Act (1996) and the Environmental Protection Act (2006).

The Spatial Planning Act does not have special provisions on landscape, except for definition of terms. Landscape development is regulated through spatial planning documents at national: Spatial Development Strategy of Slovenia (2004), Spatial Planning Order of Slovenia (2004) and local level. In the Cultural Heritage Protection Act “cultural landscapes” are recognised as: - designed landscape, which includes structures and areas of historic garden and park design; and - cultural landscape, which

includes special (topographically) delimited parts of the landscape which have been created through the interaction of human and natural factors and which illustrate the development of human society in time and space.

The landscape can be designated as a landscape diversity or value according to the Nature Conservation Act. The Nature Conservation Act further defines: Landscape diversity and those landscape features which are important for biodiversity conservation shall be conserved, developed and restored. Landscape diversity shall be a spatial composition of natural and anthropogenic landscape elements. Activities affecting the physical space shall be planned and carried out in such a way that the conservation of landscape features referred to in the preceding paragraph and of landscape diversity are given priority. The Government shall specify the landscape features and landscape diversity important for biodiversity conservation and the guidelines for conserving biodiversity in a landscape which have to be taken into account in the spatial planning and use of natural assets. Valuable natural features shall include all natural heritages in the territory of the Republic of Slovenia. In addition to a rare, valuable or well-known natural phenomenon, a valuable natural feature shall be any other valuable phenomenon; component or part of the living or non-living nature; nature area or part thereof; an ecosystem; landscape; or designed landscape. Valuable natural features referred to in the preceding paragraph shall be in particular geological phenomena; minerals and fossils and mineral and fossil sites; surface and subsurface Karst features; caves; gorges and other geomorphologic phenomenon; glaciers and glacial forms; springs; waterfalls; rapids; lakes; bogs; brooks and rivers with banks; sea-shore; plant and animal species and exceptional specimens and habitats thereof; ecosystems; landscape; and designed landscape.

The Environmental Protection Act does not define the landscape as a term but it regulates the SEA and the EIA procedure. Within the SEA procedures the impacts of the planned activities upon landscape have to be presented as well as upon other environmental components. One of the objectives of the Agricultural Land Act is to create conditions for rural population to sustain in the countryside. This encompasses also agricultural measures for stimulating the maintenance of the cultural landscapes.

Spain – At national level, there is no specific landscape law. Various sectorial laws take landscape into consideration, above all in the fields of environment, spatial planning and cultural heritage. Most of the instruments of the sectorial legislation, both at a national and a regional level, take landscape into account.

– Autonomous Community of Valencia Act 4/2004 (30 June 2004) of the *Generalitat*, on Territory Planning and Landscape Protection.

– Autonomous Community of Catalonia Act 8/2005 (8 June 2005) on Landscape Protection, Management and Planning.

– Autonomous Community of Galicia Act 7/2008 (7 June 2008) on the Protection of the Landscape of Galicia.

– In Andalusia, the most important legal text, the Statute of Autonomy, as detailed in the Act 2/2007 for the reform of the Statute of Autonomy of Andalusia, mentions specifically the landscape (preamble and articles 28, 33, 37 and 195).

– In Aragon, there is only one legal text linked to landscape policy. It is a spatial planning instrument: the Pyrenees's Spatial Planning Guidelines (BOA no. 153, 28 December 2005). These Guidelines contain a title of Landscape Protection (Title IV: art. 79, 80, 81, 82, 83, 84, 85, 86, 87).

– In the Balearic Islands, the responsibilities in spatial planning and landscape matters are transferred to the Island Councils: Majorca's Island Council, Minorca's Island Council and Ibiza and Formentera's Island Council.

– In Majorca, there is only one legal text linked to landscape policy: the Majorca's Territorial Plan passed in the Plenary Session of the Majorca's Council of 13 December 2004 (Balearic Islands Official Gazette- BOIB 31/12/2004). This Plan will be amended in order to introduce some changes, among which is to include a Landscape Observatory. The territorial plans are one of the spatial planning instruments established in the Act 14/2000, of 21st December, of Spatial Planning (BOIB 27 December 2000).

– The Law 11/1998 of Cantabria's Cultural Heritage of 13 October 1998, defines Cultural Landscape as: Specific parts of the territory, formed by the combination of human work and nature,

that illustrate the evolution of human society and settlements in space and time, having acquired socially recognised values at different territorial levels, thanks to tradition, art or their description in literature and works of art.

– Castille and Leon: Land Law of Castille and Leon 1/2014 (19 March 2004).

– In Extremadura, the most important references to landscape matters belong to the sectoral rules: spatial planning and environmental rules (natural protected areas): Act 15/2001 (14 December 2001), of Land and Spatial Planning of Extremadura (Extremadura's Official Journal - DOE No. 1 of 3 January 2002). It contains many general references to landscape protection in the urban and territorial planning framework (Art. 17) and Decree 7/2007 (23 January 2007), by which the Town Planning regulations of Extremadura are passed (DOE No. 12 of 30 January 2007) (Art. 75, 76 and 80).

– In Rioja, there is only one legal text linked to landscape policy, and that is the Act 5/2006 (2 May 2006), of Rioja's Spatial and Urban Planning (Rioja's Official Gazette – BOR No. 59 of 4 May 2006) (Art. 26, 45, 63, 68 and 78). The Law 7/2004 (18 October 2004), about Cultural, Historical and Artistic Heritage of La Rioja, defines Cultural Landscape as “Extension of territory that represents the interaction of human work and nature”.

– In Murcia, the Law 4/2007 (16 March 2007) about Cultural Heritage of the Autonomous Community of the Region of Murcia defines Cultural Landscape as a part of rural, urban or coastal territory with cultural heritage assets that deserve a special planning, due to their historical, artistic, aesthetic, ethnographic, anthropological, technical or industrial value and their integration with natural or cultural resources.

Sweden – There is no specific law concerning landscape, but it is the subject of provisions embodied in some laws. Landscape is explicitly mentioned in the Building and Planning Act (PBA) and in the Environmental Code (EC). For example in the PBA, it is stated that “Buildings shall be placed and designed in a suitable manner with regard to the townscape or the landscape and the natural and cultural values at the site”. Due to the European Landscape Convention, landscape is one of the aspects to be assessed in an Environmental assessment and environmental impact report for plans and program.

Switzerland – The specific law dealing with landscape is the “Federal Law on the Protection of Nature and Landscape” (LPN, RS 451, 1 July 1966).

Turkey – There are no laws addressing directly landscape protection, management and planning or landscape. However, outstanding landscapes have been protected by some conservation status in the laws listed below of various governmental institutions. The relevant laws are: Law on Municipality (No. 5393), Metropolitan Municipality Law (No. 5216), Law on Development (No. 3194), About the organisation and duties of Ministry of Environment and Urbanism Decree Law (No. 644), About The organisation and duties of Ministry of Forestry and Water Affairs Decree Law (No. 645), Bosphorus Law (2960), Law on Administration of Metropolitan Municipalities (No. 3030), Law on Protection of Cultural and Natural Assets, (No. 2863 Natural Sites, Cultural and Archaeological sites), Law on National Parks (No. 2873, 40 National Parks, 102 Nature Monuments, 186 Nature Parks, 31 Nature Protection Areas), Law on Mass Housing (No. 2985), Law on Tourism Incentives (No. 2634), 14 Wetland areas (Ramsar sites), 135 International Important Wetland Areas, Law on Environment (No. 2872), Law on Forestry (No. 6831/4569), Terrestrial Hunting Law (80 Wildlife Development areas), Law on Coastal (No. 3621), Law on Village (No. 442), Agricultural Reform Law on Land Management on Irrigation Areas (No. 4626), Law on the Establishment and Duties of the General Directorate of Agricultural reform (No. 3155), Law on the Improvement of Olives and Vaccinating the Wild Ones (no. 3573).

Ukraine – There is no specific law so far except for the Law of Ukraine “On Ratification of the European Landscape Convention” (N 2831-IV of 7 September 2005), Law of Ukraine “On the State Programme of Ukraine's National Environmental Network Development for the Years 2000-2015” (No. 1989-III of 21 September 2000), and the Black Sea Biodiversity and Landscape Conservation Protocol (ratified by the Law of Ukraine No. 685-V of 22.02.2007). Different aspects of Landscapes

regulation are embodied in the Land, Water, Forests, and Biodiversity laws. In 2007, the Ministry of Environmental Protection of Ukraine has initiated the process of elaboration of the Law of Ukraine “On Landscapes” which resulted in the design of the Draft Law. The Draft is currently under consideration by experts and officials of the Ministry.

United Kingdom – There is no specific law solely concerned with landscape. In England it is the subject of several provisions embodied in laws of a general environmental nature, principally, the National Parks and Access to the Countryside Act 1949; the Environment Act 1995, the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. The built and historic elements of landscape are given specific protection under the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990. In Scotland, the Countryside (Scotland) Act 1967 places a general duty on government and public bodies to have regard to the desirability of conserving the natural beauty and amenity of the countryside. Other legislation provides for the protection and/or management of particular parts of the landscape, for example, the National Parks (Scotland) Act 2000. The Planning (Scotland) Act 2006 gives a statutory basis to National Scenic Areas; in 2010 they were “re-designated” by Direction as areas of “outstanding scenic value in a national context [requiring]... special protection measures”. The built and historic elements of the landscape are considered under the Historic Buildings and Ancient Monuments Act 1953, the Ancient Monuments and Archaeological Areas Act 1979, and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

5. General laws and codes relating to landscape

Andorra – In April 2011, following a proposal of the Ministry of the Environment, the Government approved a National Strategy on the Landscape which defines the 7 landscape quality objectives for Andorra. A general law on conservation of nature is also in preparation and it will contain a subject about landscape. Other more general laws dealing with landscape are the laws on: “Agricultural and Cattle Breeding”, “Spatial Planning and Urbanism”, “Effects on the Environment” and “Protection of Water”.

Armenia – Landscape is subject of more provisions embodied in laws of general nature.

Austria – Laws concerning landscape can be found in the laws of the Federal States.

Croatia – Except the Law on the Ratification European Landscape Convention (2002/2004), more general laws dealing with landscape: Law on Nature Protection (2013), Law on Protection of Cultural Assets (1999), Law on Environmental Protection (2013) and Law on Physical Planning (2013).

Bosnia and Herzegovina – There is no code that consolidates the applicable texts relating to landscape

Czech Republic – A Code of the Environment was prepared.

Denmark – The general laws dealing with landscape are: “Protection of Nature Act” (Act no.9, 3 January 1992) and “Planning Act” (Act no.551, 28 June 1999).

Finland – The general laws dealing with landscape are: “Land Use and Building Act” (2000) and “Nature Conservation Act” (1996).

France – The general laws dealing with landscape are “Law on the Protection of Natural Monuments and Sites” (1930), “Law on the Reinforcement of the Environmental Protection” (2 February 1995), “Law on Agricultural Orientation” (9 July 1999) and “Law on Solidarity and Urban Renovation” (13 December 2000).

Greece – The general laws dealing with landscape are: “Law on Protection of Nature and Landscape” (1650/86, chapter 4), “Law on Spatial Planning and Sustainable Development” (2742/99) and “General Regulation on Building” (1577/85 and 4 modifications in 2381/2000).

Hungary – Landscape is embodied in Act. No. LIII. of 1996 on the Protection of Nature, Act. No. LXIV. of 2001 on the Protection of Cultural Heritage, Act No. XXI of 1996 on Spatial Development and Planning, Act No. XXVI of 2003 on the National Spatial Plan (ANSP), Act No. CXXII of 2000 on the Spatial Plan Balaton Resort District Area, Act No. LXIV of 2005 on the Spatial Plan of Budapest Agglomeration Area, Act No. LXXVII of 2011 on World Heritage, etc.

Ireland – There are no general laws or codes relating to landscape.

Italy – There is a code that consolidates the applicable texts relating to landscape: the Cultural Heritage and Landscape Code.

Malta – The most relevant general laws dealing with landscape are “Development Planning Act” (1992, amended through Act XXI of 2001, chapter 356), “Environmental Protection Act” (Act XX, 18 September 2000, chapter 435).

Republic of Moldova – The Law on Natural Areas fund protected by the state contains a provision about landscapes, specifically it provides the term of “landscape reserve” which is defined as a “homogenous natural system of forest, steppe and meadow, swamp and marsh, which has a scientific, ecological, recreational, aesthetic, educational and instructive values, designed for maintaining its natural qualities and performing of regulated economic activities”.

Norway – Landscape is embodied in the Planning and Building Act.

Netherlands – The general laws dealing with landscape are: “Nature Conservation Act”, “Land Redevelopment Act” and “Spatial Planning Act”.

Poland – The general laws dealing with landscape are: “Nature Conservation Act”, “Spatial Planning Act” and “Environmental Protection Act”.

Portugal – The general laws dealing with landscape are: “Environmental Law” (n° 11/87, 1987; Article 4 aI.b, Article 5 n° 1 aI.d – n° 2 aI.c, Article 17 n° 3, aI.d and Articles 18, 19 and 20), “Law on Spatial Planning and Urbanism” (n° 48/98, 11 August 1998; Article 3 aI.d, Article 6 n° 1 aI.a – n° 3 aI.a – n° 3 aI.c), “Decree-Law on the instruments for spatial planning” (n° 380/99, 22 September 1999; Article 54 (n° 2 aI.b), “Cabinet of Ministers resolution on the National Programme for spatial planning and its elaboration principles” (n° 76/2002, April 2002; Articles n° 9 aI.b, n° 10 aI.b1- aI.b2, n° 12 aI.d and n° 13 aI.i), “Decree-Law on the juridical system of urbanisation and construction” (n° 555/99, 16 December 1999 and n° 177/2001, 4 June 2001; Articles 24 n° 2 aI.a, 31 n° 3 AI.a), “Decree-Law on regulations for geo-thermal resources” (n° 87/90, 16 March; Article 43 aI.a), “Decree-Law on regulations for mineral depots” (n° 88/90, 16 March 1990; Articles 27 n° 2 aI.k, 55 AI.a), “Decree-Law on regulations for stones quarries” (n° 89/90, 16 March 1990; Articles 13 n° 1 aI.h, 36, 40 n° 2, 43, 45 aI.a), Decree-Law on general condition and exploitation of geological resources” (n° 90/90, 16 March 1990; Article 38 n° 1), “Decree-Law on regulations concerning the network of National Protected Areas” (n° 19/93, 23 January 1993; Articles 1 n° 1 – n° 2, 2 n° 4, 3 aI.g, 5 n° 1, 7, 9), “Decree-Law on the Protected Landscape of the fossilized cliffs of the Costa da Caparica (n° 67/82, 3 March 1982), “Decree-Law on the Protected Landscape of the coast of Esposende” (n° 357/87, 17 November 1987) and there also other regulation about spatial planning where you can find articles related to landscape.

Poland – Landscape is the subject of several provisions in the following acts:

- The Act of Nature Conservation (defined forms of landscape protection: national parks, nature reserves, landscape parks, protected landscape areas, natural-landscape complexes) - The Environmental Protection Act (landscape approach: landscape is a part of the environment, preservation of landscape as nature compensation). - The Act of Spatial Planning (consideration of the landscape feature in spatial planning policy, protection of the landscape at local level – studies of conditions and spatial development conditions, local zoning planes) - The Act about Environmental Impact Assessment (assessment and analysis of the projects, which could affect the landscape) - Law on the Protection of Monuments and the Guardianship of Monuments (protection of cultural landscapes by monument registration or the establishing of a cultural park).

Romania – Landscape is not a subject of one or more provisions embodied in laws of a general nature.

San Marino – There is no code that consolidates the applicable texts relating to landscape. Nonetheless, landscape is embodied by the General Regulatory Plan – Law 7/92; consolidated Laws on Urban development and Housing – Law 87/95; Law for the Protection of Environment and the Safeguard of Landscape, Flora and Fauna – Law 126/95.

Slovak Republic - The intent of the Ministry of Environment is to enforce a new proposal of an independent act on landscape planning according to government resolutions No.482 from 11 June 2003 and No. 831 from 25 August 2004.

Spain - There are no specifically applicable texts relating to landscape. At a regional level, there are three regions with a Landscape law (Valencia, 2004, Catalonia, 2005, Galicia, 2008).

At National Level:

– Historical Heritage Act 16/1985: the approach to the concept of landscape is shown in the figure of a Historic Site, which is defined as the place or natural setting tied to events or memories of the past, popular traditions, cultural or natural creations and the works of man, that have historical, ethnological, paleontological and anthropological values.

– Land Act 8/2007: it establishes the principle of urban and territorial sustainable development by which the policies intended to the regulation, management, occupation and land transformation, must favor the rational use of resources, cultural heritage and landscape included, ergo, it recognises the landscape as a resource. It incorporates the rights and duties of citizens to enjoy and respect natural and urban landscape. The positive definition of rural land includes landscape values to preserve and protect.

– Natural Heritage and Biodiversity Act 42/2007: it assumes the definition of landscape according to the European Landscape Convention; it establishes specific figures for landscape protection in protected natural areas; and includes landscape in natural resource management. But most importantly recognises the landscape as potential to give consistency and connectivity to areas of Natura 2000 (almost a quarter of the country's territory).

– Law amended by the First Final Provision of the Environmental Assessment Act 21/2013.

– Sustainable Rural Environment Development Act 45/2007: it inaugurates the treatment of landscape as an asset in rural environments, and introduces the landscape as a resource with the consequent tasks of its protection and conservation.

– Environmental Assessment Act, 21/2013 (9 December 2013): this law establishes the basis to manage the environmental assessment of plans, programs and projects that may have significant effects on the environment, ensuring a high level environmental protection in the whole State, in order to promote a sustainable development.

– Instrument of Ratification of the European Landscape Convention (Number 176 of the Council of Europe), November 6, 2007. BOE nº 31 (5 February 2008). In the document of ratification by Spain, including the content of the Convention, it is stated that "...I here come to pass and ratify as is arranged in the same, and by virtue of this I approve and ratify, promising comply, observe and enforce compliance and timely notice in its entirety ...".

Switzerland – The most relevant general laws dealing with landscape are: “Spatial Planning Act” (22 June 1976). Others can be found in laws concerning the regions.

“The former Yugoslav Republic of Macedonia” – Among the existing legal regulations there is no specific law on landscape. The landscape is treated in the Law on Nature Protection (Official Gazette of RM, No. 67/04), in the Law on Cultural Heritage Protection (Official Gazette of RM, No. 20/04) and partly in the Law on Spatial and Urban Planning (Official Gazette of RM, No. 51/05).

Turkey – The Ministry of Labour and Social Security with the code of 2141.01 is related to landscape.

In Belgium, Croatia, Cyprus, Latvia, Lithuania, Montenegro, Norway, Slovenia, Sweden, Ukraine and the United Kingdom, there is no code that consolidates the applicable texts relating to landscape.

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