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## **EUROPEAN LANDSCAPE CONVENTION**

***CEP-CDCPP***

**9<sup>th</sup> COUNCIL OF EUROPE CONFERENCE ON**

**THE EUROPEAN LANDSCAPE CONVENTION**

*Conference organised under the auspices of the Cypriot Chairmanship  
of the Committee of Ministers of the Council of Europe*

### **REPORT**

**“Public landscape funding”**

Council of Europe  
Palais de l'Europe, Strasbourg  
23-24 March 2017

*Document of the Secretariat General of the Council of Europe  
Directorate of Democratic Governance*

## 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

#### “E. Implementation

*To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape”. (Article 6 – Specific 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

#### “... II.3. Methods of implementation

*... The means of implementing landscape policies or introducing the landscape dimension into sectoral policies may be either regulatory or voluntary. New methods of implementation could also be used. The choice of method can depend on the local situation, which will vary even within the same country.*

*Implementation of landscape policies or of policies to introduce the landscape dimension into sectoral policies may combine these different means according to the ends in view, the specific characteristics of the territory, the population and administrative organisation concerned, and so on. This applies to all landscape situations and all activities that shape them. Implementation may be included in general and sectoral instruments at the different administrative, programming and spatial-planning levels; it may provide for land acquisition by the competent authorities.*

#### II.3.1. Regulatory implementation

...

#### II.3.2. Voluntary implementation

...

#### II.3.3. Instruments for landscape policies

*To implement landscape policies, a general planning and development process should be introduced: this should use specific instruments and provide for the landscape dimension to be included in sectoral instruments. It should be based both on general principles at national level, even if decentralisation is anticipated, and on the linkage of competences at several levels and several types of implementation instruments.*

*Instruments are already being put to use in several countries and each can be a model for either the creation of new instruments or the improvement of existing ones.*

*The main categories of instruments are:*

- *landscape planning: landscape study plans included in spatial planning;*
- *inclusion of the landscape in sectoral policies and instruments;*
- *shared charters, contracts, strategic plans;*
- *impact and landscape studies;*
- *evaluations of the effects of operations on landscape not subject to an impact study;*
- *protected sites and landscapes;*
- *relationship between landscape and regulations concerning the cultural and historic heritage;*
- *resources and financing;*
- *landscape awards;*
- *landscape observatories, centres and institutes;*
- *reports on the state of the landscape and landscape policies;*
- *transfrontier landscapes.*

...  
**Examples of instruments used to implement  
the European Landscape Convention**

**... 8. Resources and financing**

*The resources needed to draw up and implement a landscape policy may be both financial and human. Specific resources can be earmarked, with a landscape fund being set up at different administrative levels, through public and private financing (bodies, associations, foundations, etc.). The inclusion of landscape aspects in sectoral policies (environment, tourism, agriculture, public works, culture, etc.) will allow use to be made of the resources earmarked for these sectors simultaneously for landscape protection, management and planning.*

*In order to encourage the landscape dimension to be taken into account in all public and private decisions, special measures involving tax rebates and grants may be adopted. These measures should be adapted to the different types of landscape, their constituent elements and implementation instruments and to the needs of the local communities concerned (direct incentives).*

*Other types of incentive may be added, for example technical assistance in drawing up private plans and projects, exploitation of the sites concerned through tourism policies, support for high-quality agricultural products, etc. (indirect incentives).*

*Specific initiatives can be taken to encourage the involvement of associations (non-governmental organisations) in the definition and implementation of landscape policies at the different administrative levels in connection with the various types of implementation instruments (plans, charters, etc.) and the different operational phases (protection, management and planning, etc.).*

*Major public works, projects and public infrastructures should devote a minimum percentage of their budget to landscape dimensions. This course is already being followed in certain states...*

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The 8<sup>th</sup> Council of Europe Conference on the European Landscape Convention:

- examined a working document prepared by the Secretariat on “*Implementation of landscape policies: introduction of instruments aimed at protecting, managing and/or planning the landscape*” [Document for action: [CEP-CDCPP \(2015\) 8](#)];
- considered 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 relating to landscape policies and in particular landscape funds;
- took note in particular of the experience of the Swiss Landscape Fund, presented on the occasion of the 15<sup>th</sup> Council of Europe Meeting of the Workshops for the implementation of the European Landscape Convention « *Sustainable landscapes and economy* », Urgup, Turkey, 30 September-2 October 2014 by Mr Enrico Buergi, former Chair of the Council of Europe Conference on the European Landscape Convention; and
- asked the Secretariat to prepare a draft text on landscape funds to be used by the Parties to the Convention wishing to establish a National Landscape Fund, to be examined at the next Conference.

This report has been prepared by Mr Valentin Rhiem, considering research by Mr Barry Hynes, as part of an internship made with the Secretariat of the European Landscape Convention of the Council of Europe, with Mrs Maguelonne Déjeant-Pons.

*The Conference is invited to:*

- take note of the Report on “*Public landscape funding*” prepared by the Secretariat of the Council of Europe at the request of the Conference;
- decide on any follow-up action and, in particular, whether to draw up a draft recommendation for the use of the Parties to the Convention wishing to set up a National Landscape Fund.

## REPORT ON PUBLIC LANDSCAPE FUNDING

### Introduction

This report presents *a number of examples* of public funding by various member and non-member states of the Council of Europe for the landscape and its natural and cultural components. Accordingly, this presentation is not exhaustive but is intended to highlight some of the factors which will enable national landscape funds to be set up.

According to the European Landscape Convention, the term landscape means “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”. The funding of initiatives to promote the landscape helps promote sustainable development, as consideration is given simultaneously to its environmental, cultural and economic dimensions.

The proper operation of such funds presupposes involvement by both public and private stakeholders in society.

### AUSTRIA

#### Landscape development funds (*Landschaftsentwicklungsfonds*)

In Austria, public funding projects for the landscape have been initiated at provincial level. The Landscape Funds set up by the provinces of Niederösterreich and Oberösterreich are described below.

The authorities in the province of Niederösterreich set up a landscape fund in 1993. The bulk of its funding comes from a ‘landscape contribution’, which is a tax levied on the extraction of above-ground mineral resources, redistributed through the Fund to projects that meet the main aims of landscape conservation and planning.

Source:

<http://www.noel.gv.at/Land-Forstwirtschaft/Landwirtschaft/Landschaftsfonds/Landschaftsfonds.html>

The authorities in the province of Oberösterreich have also set up a landscape development fund to protect and manage current and potential areas of outstanding ecological value. The fund comes under the remit of the province’s local government departments that are responsible for the protection of nature, agriculture, forestry, surface water management and road maintenance. This sharing of responsibility helps boost the long-term effectiveness of the fund throughout the province.

The purpose of the fund is to support projects to protect biotopes and improve waterway structures, and to create buffer zones between areas of outstanding ecological value and high-use environments.

Financing granted by this fund supplements other financial aid programmes and provides support to projects which would otherwise be underfunded and consequently not implemented. The fund’s income comes directly from the Oberösterreich province budget for the acquisition, protection and management of endangered areas. It also supplies technical assistance to farming communities, local and regional authorities, non-governmental organisations, environmental protection associations and private individuals.

Source: <https://www.land-oberoesterreich.gv.at/landschaftsfonds.htm>

## **FRANCE**

### **Introductory remarks**

In France, there is no “fund” dedicated to landscape policy in the sense that is given, for example, to this term in Switzerland.

However, the State’s annual budget includes appropriations intended to meet two major objectives: on the one hand to guarantee the quality and diversity of landscapes at national level and, on the other hand, to make landscape a tool of service to the territories with a preferential approach to spatial planning.

In 2016, the draft finance law included an amount of 3.34 million euros for this purpose.

Thus encouraged, the landscape policy, directly inspired by the European Landscape Convention, is based on several structuring mechanisms allowing:

- the development of a shared knowledge of landscapes and an analysis of their transformation through the development or updating (jointly by the State and local authorities) of Landscape Atlases as well as through the establishment of Landscape; Photographic Observatories;
- to capture the foreseen evolution of the landscapes of a given territory and to orient the development in consultation with the inhabitants to fulfil a requirement for the quality of the living environment. This is achieved through methodological and financial support to local and regional authorities, for the implementation of landscape plans;
- active support to the sector’s structuring associations, working for the preservation, development and enhancement of landscapes;
- skills development at national level through the support of landscape schools.

It is also important to mention the existence of funds committed by local and regional authorities in favour of the landscape, for which, however, there are no information elements available at national level.

### **Endowment funds**

Endowment funds are financial instruments under private law introduced in France in 2008 as a bridge between the work of associations and foundations. They have the status of legal entity not entitled to receive public funds. Their purpose is to act in the public interest. These endowment funds can be likened to state-approved associations or foundations but they have more flexibility in the way they are set up and operate.

Endowment funds are headed by a board of directors one of whom holds the chair.

There are two kinds of endowment fund:

- funds which can use their capital to finance more widespread public interest activities, and
- funds which can finance activities solely out of the income derived from their capital.

Endowment funds are supported by patrons who may be private individuals or corporate entities. Accordingly, private individuals, associations, non-governmental organisations and businesses can contribute to their funding. On the other hand, no public grants or contributions are allowed, except where this is explicitly authorised by the ministers in charge of the economy and the budget. Notably, this procedure was adopted in 2008 to create the Louvre Museum Fund. This provision guarantees the independence of endowment funds.

Endowment funds can have operator, distributor or mixed status. In this way, they can commission projects they financially support or fund other organisations which implement the projects themselves. It is also possible for a fund to have a combined status.

To this end, funds may offer special facilities such as tax deductions. This tax relief for donors amounts to 75% for donations up to €50,000 and 66% for donations exceeding €50,000.

### **French Fund for the Global Environment (FFEM) *Fonds français pour l'environnement mondial***

The French Fund for the Global Environment (FFEM) operates in a very similar way to the Swiss Landscape Fund except for some minor differences. The Fund finances projects that are mainly carried out on the African continent and in other developing countries. It is a development aid instrument in a globalised context.

The Fund comprises three bodies: a decision making body, a consultative body and an operational body.

*The decision-making body:* The Steering Committee operates like a board of directors, and its Chair is appointed by the Minister responsible for environmental matters. The Chair, in turn, appoints a Vice-Chair and the members of the Secretariat. The Committee deliberates at several meetings held during the year on: the general policy of the Fund, in particular the areas in which it takes action; assessment reports, and the Secretariat's budget. The Steering Committee appoints the members of the Scientific and Technical Committee.

*The consultative body:* the Scientific and Technical Committee issues opinions on projects and considers eligibility criteria. It is made up of leading figures recognised for their expertise in environmental and social issues. The Scientific and Technical Committee provides input to the project examination process and issues observations at the commitment stage. It also takes part in initiatives to raise the awareness of French and international partners on environmental challenges.

*The operational body:* the Secretariat manages the setting-up and monitoring of projects. It is attached to the Strategy Directorate of the French Development Agency (AFD). It shares the latter's administrative, accounting and financial facilities and its network of local agencies. It consists of a secretary general, a communications officer, an accounting and budgetary matters officer, three management executives and various environment, biodiversity and climate change specialists.

Source: <http://www.ffem.fr/accueil-FFEM/ffem/faq>

### **The Heritage Foundation (*Fondation du patrimoine*)**

The French Ministry of Culture, by virtue of the Law of 2 July 1996, set up the *Fondation du patrimoine*<sup>1</sup> (Heritage Foundation). Its purpose is to drive an active policy of energising the private sector to promote heritage. The Foundation gained state approval as a public interest body under a decree issued on 18 April 1997.

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<sup>1</sup> See Appendix 1.1 to this report.

The participation of private entities in the setting up of a public fund for heritage enhances its financial capacity, given the current economic situation where public funds are very scarce.

The Foundation's mission is: to raise public awareness of the need for a concerted effort to promote the national heritage; to identify the various sites under threat; to attract and organise partnerships with associations working for heritage conservation, the public authorities (both national and local), and businesses wishing to get involved in sponsorship, and to take part in the implementation of restoration programmes.

Sponsorship entitles private donors to tax advantages and enables the beneficiaries to carry out their projects. Sponsorship takes the form of donations without any financial compensation. This ensures that beneficiaries are completely independent of donors.

## **IRELAND**

### **Heritage Council - HC**

The Heritage Council is a public body set up under the 1995 Heritage Act which took over from the National Heritage Council - NHC, set up in 1988. It is an independent entity, subsidised by the public authorities and the National Lottery, with a Chair appointed by the Department of Arts, Culture and the Gaeltacht.

The Heritage Council's mission is to promote access to information, to foster technical assistance, to co-ordinate research, and to promote links between activities undertaken by the public authorities and associations and to support legislation.

The Heritage Council has put in place a network of heritage officers throughout most Irish counties. This brings it closer to local communities and projects. The officers assist communities by offering professional advice and holding debates.

In partnership with national agencies, local government and associations, the Heritage Council's purpose is to manage, protect and promote the national heritage, in particular at local level. It helps engage, educate and generate renewed interest in heritage, thereby supporting economic, social and environmental well-being.

The Heritage Council's vision for the landscape is one of "a dynamic, living landscape, one which accommodates the physical and spiritual needs of people with the needs of nature in a harmonious manner, and as a result, brings long-term benefits to both".

The Heritage Council emphasises the substantial impact that the protection of heritage and landscape can have on economic and social well-being. There is a particular focus on the leisure and tourism sectors.

Source: <http://www.heritagecouncil.ie/home/>

## **LATVIA**

### **The Latvian Environmental Investment Fund - LEIF**

The Latvian Environmental Investment Fund was set up on 28 April 1997. It has a specific legal status in that it is registered as a limited liability company. The Ministry for Environmental Protection and Regional Development holds 100% of the company's shares.



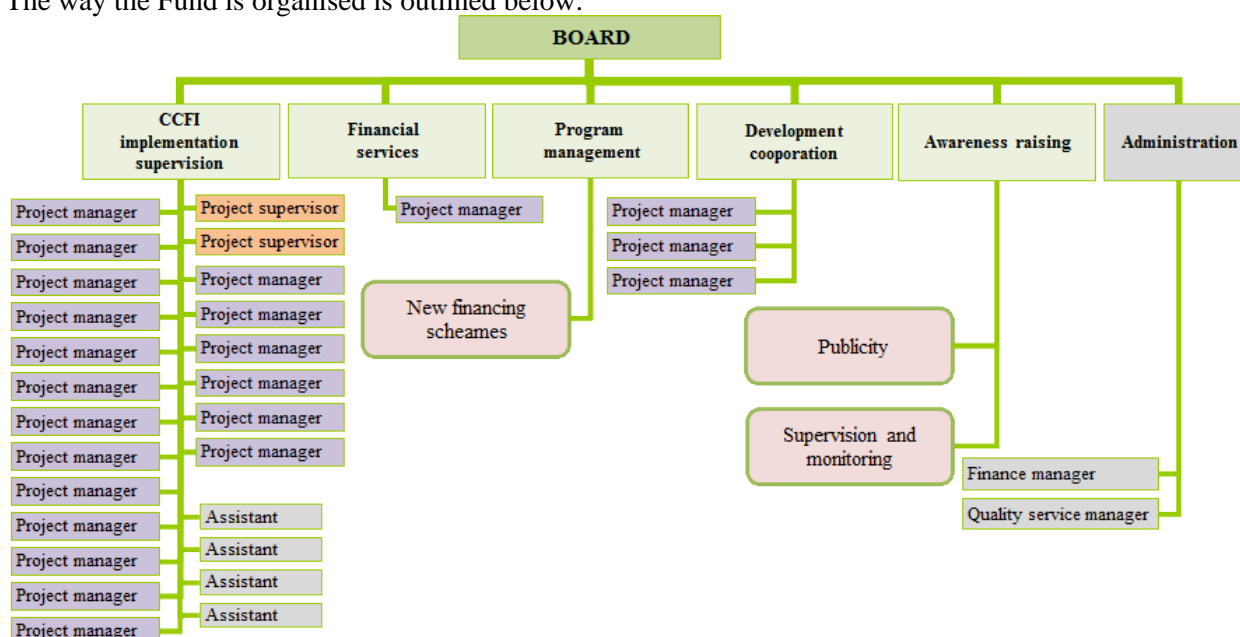
The purpose of the Fund is to reduce environmental pollution by promoting the implementation of environmental protection projects and by supporting municipalities and commercial organisations in implementing projects.

The Fund works to foster projects from drawing board to implementation. In so doing it attracts funding from public and private players as well as from the Climate Change Finance Instrument (CCFI). It works in close co-operation with local and regional authorities for the development and management of projects, as well as with public services, non-governmental organisations, research centres and the private sector.

Such funding makes it possible to conduct cross-border projects and contributes, on top of project development and management, to organising training, outreach events and project communications.

The Fund's management team complies with national rules and requirements.

The way the Fund is organised is outlined below:



The Board, which consists of two senior figures, is responsible for assessing the relevance of the projects submitted to it and their conformity with the purposes and policies of the Fund. It is responsible for granting loans to selected projects.

Source: [http://www.lvif.gov.lv/?object\\_id=460](http://www.lvif.gov.lv/?object_id=460)

## POLAND

**National Fund for Environmental Protection and Water Management – NFEPWM**

The National Fund for Environmental Protection and Water Management was set up in 1989 by the Polish government in co-operation with the regional authorities (*voivodeships*) funds for environmental protection. Since 2001, in pursuance of the law on the protection of the environment, the Fund has had legal identity.

The purpose of the Fund is to devise a range of financial instruments intended to meet the needs of beneficiaries. Furthermore, it provides legislative, financial and technical assistance on environmental

matters. The main beneficiaries are local and regional authorities, businesses, public and non-governmental organisations.

The Fund has become the executing authority for projects financed from both national and foreign funds. The national funds mainly derive from fines and various environmental taxes. These are taxes levied on the energy sector and on over-polluting vehicles taken out of circulation. In this way, the Fund applies the polluter-pays principle. Foreign funds come from the European Union or from co-operative funds in the form of European Economic Area Grants (funded jointly by Iceland, Norway and Liechtenstein) and Norway Grants.

Source: <https://www.nfosigw.gov.pl/en/nfepwm/>

## UNITED KINGDOM

### National Heritage Memorial Fund (NHMF) and the Heritage Lottery Fund (HLF)

The National Heritage Act was passed in 1980.<sup>2</sup> This act instituted an independent Board of Trustees, to be paid an annual grant, giving rise to the National Heritage Memorial Fund (NHMF).

From 1994, the NHMF and its Trustees were tasked with distributing the heritage share of national lottery money, a task it currently performs through the Heritage Lottery Fund.

The NHMF is an independent public organisation which is accountable to parliament through the Department for Culture, Media and Sport, which issues financial and policy instructions to the Fund. Decisions on individual applications are entirely independent of the government.

The NHMF continues to act as the fund of last resort, being able to respond very quickly and raise finance at short notice. In contrast, the Heritage Lottery Fund provides heritage conservation opportunities that are more focused on improving access to heritage as well as raising the awareness and seeking the commitment of the public.

From 2003 to 2016, the Heritage Lottery Fund invested €158 million in 77 partnership projects conducted throughout the United Kingdom.

These partnership projects place heritage protection at the heart of rural and peri-urban revitalisation. They bring together national, regional and local organisations in an effort to make long-term improvements to the landscape and to the local communities who inhabit it. They help conserve the various habitats in the landscape as well as fostering landscape management skills.

The HLF supports a great variety of projects in the culture, heritage and landscape fields. It supports projects related to both the local and national heritage, be they natural or cultural. The HLF, moreover, provides information and guidance on protection and activity plans and fosters local community involvement in development projects.

Grants from the HLF can range from £3,000 (€3 700) to £10,000 (€12 500) in the form of initial grants. It also awards higher grants ranging from £100,000 (€125 000) to £5,000,000 (€6 263 000), to historic parks or private partnership projects relating, for instance, to the restoration of historic monuments.

When deliberating on the selection of applications, the members of the HLF selection committee seek to establish that the project is directly linked to heritage protection and/or restoration. The impact of projects as well as the ability of those in charge to deliver them also come under consideration.

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<sup>2</sup> See Appendix 1.2 to this report.

It is worth taking a closer look at the way the HLF handles applications for funding in the £100,000 (€125 000) to £2 million (€2.5 million) bracket. The Board of Trustees, responsible for the fund's development strategy and activity plans, devolves its selection powers to the regional committees. There are 12 such committees in the United Kingdom, made up of local figures elected for a renewable three-year term. The latter make a selection of the projects that are most relevant in local terms.

The 15 members of the Lottery Fund's Landscape Board, for their part, are appointed by the Prime Minister, on a recommendation from the Secretary of State for Culture, Media and Sport. The NHMF and the HLF share the same Board of Trustees.

Source: <https://www.hlf.org.uk/about-us/who-we-are/committees>

## SWITZERLAND

### The Swiss Landscape Fund

The Swiss Landscape Fund was established by the Swiss Federal Assembly on the occasion of the 700<sup>th</sup> anniversary of the Confederation, by means of the federal decree of 3 May 1991. The latter<sup>3</sup> awards financial aid for the protection and management of traditional rural landscapes. The Fund, endowed with CHF 50 million, was initially set up for a ten-year period. It provides a financial support instrument for the protection and management of landscape projects which do not qualify for public grants or whose public grants are inadequate.

The Fund, having proved itself, was twice extended, following new parliamentary initiatives, for further periods of 10 years in 2001 and 2011, and the Swiss government replenished it for each new period to the tune of CHF 50 million.

The total amount granted to the Fund, i.e. CHF 150 million over the 1991 to 2021 period, roughly equals €120 million. This funding has generated economic investment in the beneficiary regions to a value of at least three times the total amount allotted.

The beneficiaries of the financial assistance from the Fund are private individuals, public law associations and entities, and also regions and cantons wishing to take action for the future of their landscape.

The Fund carries out enhancement work on everyday landscapes in rural and urban environments and advocates the sustainable management of landscapes and territories with a view to a better quality of life. The Fund also acts to maintain and indeed improve biodiversity in rural landscapes.

The Fund is involved with urban outskirts and entrances to towns and cities. It helps upgrade these spaces and demonstrates, through its financial support of pilot projects, the multi-functional role that these areas can play for individuals and nature.

The Fund's strength lies in its unique characteristics which have enabled it to support projects which would not otherwise have been viable. For example, it can grant incentive loans, i.e. seed money, which project leaders can use to raise the additional finance needed to implement a project.

The Fund can also bridge financial gaps as it can provide 50-80% of essential costs not covered by public funding. It can also support projects which do not qualify for public funding because they are too small.

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<sup>3</sup> See Appendices 1.3 and 2 to this report.

The Fund attaches particular importance to projects likely to have a broad regional impact. Part of the financial aid granted is earmarked for communications, particularly in the local media of the region concerned.

The administrative functioning of the Swiss Landscape Fund is described below.

The Fund is an independent body whose contributions come mainly from the public authorities, i.e. the Swiss Confederation at Federal level.

The Fund's resources come from three levels:

- at national level, endowment capital from the government (CHF 50 million over 10 years, provided by the Swiss Confederation);
- at regional level, voluntary contributions from the regions and local authorities, and
- at private sector level, donations from businesses and private entities (private individuals, NGOs, associations and foundations).

The Fund includes players from various walks of life, and, in particular, private stakeholders, who supplement the contributions from the public authorities. Tax deductions and/or grants can be made to private stakeholders wishing to become donors.

The financial aids to the projects take the form of:

- incentive loans (financing of activities for raising the funds essential to the implementation of the project),
- irrecoverable gifted funds (of the sponsor/donor kind), and
- interest-free loans (of the patronage kind).

This aid can account for 50% to 80% of essential costs, depending on the size of the project. It cannot be the only source of finance for a project. These conditions ensure the future financial independence of projects.

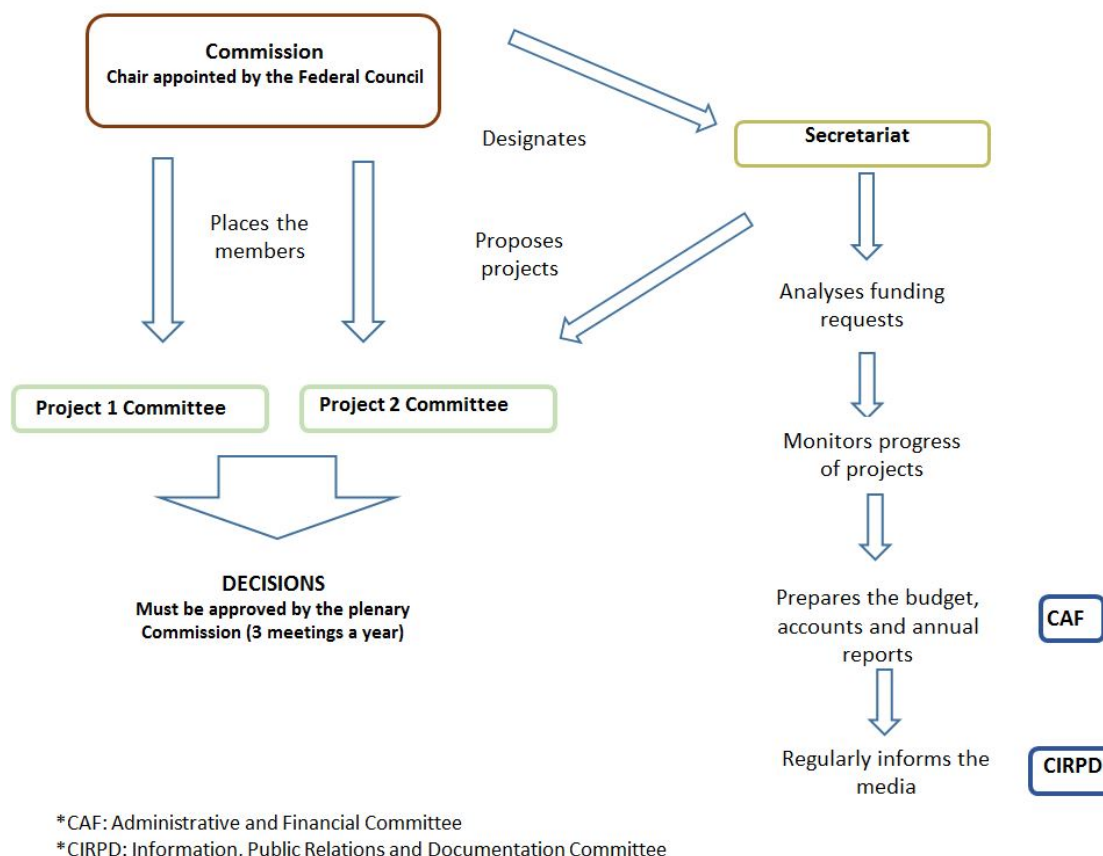
The Fund can make grants to finance:

- initial project planning costs,
- work which does not qualify for public grants because the related projects are too small, and
- residual costs or contingencies not covered by public grants.

## Administrative operation of the Fund

The Fund is an independent body which is not subordinate to any ministry. Nonetheless, the Federal Council exercises financial oversight of it. The Chair of the Fund's Commission is appointed by the Federal Council while the other members are appointed independently.

The organisational chart below illustrates the operation of the Fund and the links between its various bodies.



The governing body of the FSP draws up rules of procedure, which require the approval of the Federal Department for the Environment, Transport, Energy and Communications (DETEC).

The final decision on grants is made by the Commission, on which the Confederation, the cantons and municipalities and nature, landscape and heritage protection organisations are represented.

The Fund's Information, Public Relations and Documentation Committee (CIRPD) is the body responsible for communications and public awareness-raising.

## Composition of the Swiss Landscape Fund's bodies

The composition of the various Swiss Landscape Fund's bodies is as follows:

– Members of the Commission: lawyer/solicitor; former member of the National Council (the Green Party); former Head of the Nature and Landscape Division of the Federal Office for the Environment; forestry engineer; agronomist, Head of the Office of Direct Payments, Agricultural Department; nature management engineer; biologist, environmental specialist, landscape management professor; member of the National Council.

– Members of the Secretariat: geographer; biologist; journalist; and 2 permanent members.

The permanent members of the Secretariat receive a salary for their work for the Fund. Most of the other members have a second occupation.

Most Secretariat members are also project leaders. They play an essential part in the replenishment of the Fund and inform members of the federal parliament of its effectiveness.

### **Steps in applying for funding**

An application for finance from the Fund requires:

- the drawing up of a report describing the aims of the project and estimated cost of implementation,
- the particulars of project leaders,
- details of the project funding (since the Fund provides only supplementary aid),
- a reference to public grants where these are available, and
- an explicit application, addressed to the Fund, specifying the amount of the financial contribution requested.

Source: <http://www.fls-fsp.ch/francais.php>

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Below are some examples of public funds set up by non-member states of the Council of Europe.

## **CANADA**

Canada has several special purpose funds to cater for environmental issues. The following are two examples:

### **Environmental Damages Fund - EDF**

The Environmental Damages Fund was set up in 1995. It is administered by the Canadian government through its *Environment Canada* programme in order to manage the funds derived from compensation for damage inflicted on the environment. They come from court orders, out-of-court settlements or voluntary payments. The Fund mainly supports projects for the protection of natural and environmental resources, as well as wildlife conservation, in the geographical areas where the damage has been recorded. It also helps raise public awareness on the effects of pollution and provides funding for research on various environmental issues.

The Fund serves local and provincial governments, aboriginal communities, university environmental groups and non-governmental organisations. Although it is a national fund, allocation takes place at regional level, which restricts the financial resources available to individual regions.

Source: <https://www.ec.gc.ca/edf-fde/default.asp?lang=En&n=BD1220D8-1>

## **National Wetland Conservation Fund - NWCF**

The National Wetland Conservation Fund was set up to restore and enhance degraded wetlands. It helps improve public understanding of wetlands and the animal species that live there.

The Fund exists to serve aboriginal organisations, local communities, non-governmental organisations, private individuals, provincial state-owned companies and private companies. In order to meet geographical criteria, the projects must be located on private land, public provincial land and aboriginal lands. Grants range from \$50,000 (€44 000) to \$250,000 (€220 000), with a ceiling of \$500,000 (€438 000) per annum and per project.

Project grants from the Fund's resources have to be matched with grants from non-federal resources. For every \$1 supplied the Fund pledges a matching \$1.

Source: [https://www.ec.gc.ca/financement-funding/default.asp?lang=En&n=923047A0-1#\\_09](https://www.ec.gc.ca/financement-funding/default.asp?lang=En&n=923047A0-1#_09)

## **UNITED STATES OF AMERICA**

### **Landscape Conservation Initiatives**

Thanks to the 2008 Farm Bill, the United States Department of Agriculture offers voluntary conservation programmes in the form of grants to land owners and farmers who manage their land and their crops in a sustainable and environmentally friendly way. These programmes are available through the Natural Resources Conservation Service - NRCS, which is responsible for cleaner water and air, healthier soil and enhanced wildlife habitats. Local partnerships are able to respond to national conservation goals.

The 2014 Farm Bill highlights the need to build effective partnerships and obtain meaningful results. The NRCS offers both technical and financial assistance and sets up easement programmes.

Source: <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/nm/home/?cid=stelprdb1042113>

\*

## **Conclusion**

In the examples described, a number of factors stand out as useful in the creation of public landscape funds.

## **Legal status of the funds**

It is important for the funds to have the status of an independent body established under public law by means of a legal document (law, decree etc.), thereby ensuring their continuity and independence of management.

## **Role of the funds**

The funds may fulfil several roles in terms of the contributions received:

- the role of operator, where they commission the projects they wish to support,
- the role of distributor, where they finance the entities responsible for implementing the projects, and
- a combined operator and distributor role, where they commission projects and support the entities responsible for implementing them.

## **Functions of the funds**

In order to ensure the proper operation of funds, it is helpful to assign them the following functions:

- a direct incentivising function in the form of full funding or additional funding,
- an indirect incentivising function, in the form of technical and advisory support, and
- a public awareness-raising and information function.

The funds help enhance knowledge of the projects selected for landscape protection, management and planning.

## **Fund operating mechanisms**

Several factors are useful in setting up and operating public funds:

- the provision of resources such as taxes or fines generated by the application of the polluter-pays and the user-pays principles established by court rulings or by legislation relating to degradation of a common good.
- the provision of technical assistance to facilitate the implementation of projects, when those in charge of carrying them out have limited management capacity. However, such assistance should avoid making the initiators of projects totally dependent on the related funds,
- co-responsibility where several departments or ministries co-operate in the management of a fund with a view to enhancing its effectiveness and getting a better grasp of all the issues likely to have a direct or indirect impact on the landscape;
- private sector input and support for public-private partnerships conducive to bringing substantial financial capacity and to mobilising more landscape partners.



## **Appendices**

### **Legal texts**

**Appendix 1 – Law establishing the Heritage Foundation, France** (*Fondation du patrimoine*)  
(*extract*)

**Appendix 2 – Law establishing the National Heritage Memorial Fund, United Kingdom** (*extract*)

**Appendix 3 – Federal decree establishing the Swiss Landscape Fund, Switzerland** (*Fonds suisse pour le paysage*) (*extract*)

## Appendix 1

Law establishing the Heritage Foundation, France (*Fondation du patrimoine*) (extract)

13002

JOURNAL OFFICIEL DE LA RÉPUBLIQUE FRANÇAISE

3 juillet 1996

**LOI n° 96-590 du 2 juillet 1996  
relative à la « Fondation du patrimoine » (1)**

NOR : MCCX9500192L

L'Assemblée nationale et le Sénat ont adopté,  
Le Président de la République promulgue la loi dont la teneur suit :

Art. 1<sup>er</sup>. – La « Fondation du patrimoine » est une personne morale de droit privé à but non lucratif, soumise aux règles relatives aux fondations reconnues d'utilité publique, sous réserve des dispositions de la présente loi.

Art. 2. – La « Fondation du patrimoine » a pour but de promouvoir la connaissance, la conservation et la mise en valeur du patrimoine national.

Elle s'attache à l'identification, à la préservation et à la mise en valeur du patrimoine non protégé.

Elle contribue à la sauvegarde des monuments, édifices, ensembles mobiliers ou éléments remarquables des espaces naturels ou paysagers menacés de dégradation, de disparition ou de dispersion. Elle concourt ainsi à l'emploi, à l'insertion, à la formation et à la transmission des savoir-faire dans les secteurs de la restauration et de la valorisation du patrimoine et des sites.

Elle apporte son concours à des personnes publiques ou privées, notamment par subvention, pour l'acquisition, l'entretien, la gestion et la présentation au public de ces biens, qu'ils aient ou non fait l'objet de mesures de protection prévues par la loi.

Elle peut également acquérir les biens visés au troisième alinéa lorsque cette acquisition est nécessaire aux actions de sauvegarde qu'elle met en place.

Elle peut attribuer un label au patrimoine non protégé et aux sites. Ce label est susceptible d'être pris en compte pour l'octroi de l'agrément prévu au 1<sup>er</sup> du II de l'article 156 du code général des impôts.

Art. 3. – La « Fondation du patrimoine » est constituée initialement avec des apports dont les montants figurent dans les statuts approuvés par le décret en Conseil d'Etat prévu à l'article 11.

Ces apports initiaux peuvent être complétés par des apports supplémentaires dont les montants sont approuvés par un décret.

L'admission de nouveaux fondateurs dans les conditions prévues par les statuts peut être prononcée par un décret qui indique le montant de leurs apports.

Sont dénommées fondateurs les personnes publiques ou privées désignées dans les décrets mentionnés ci-dessus.

Les droits des fondateurs ne peuvent être ni cédés ni échangés, sauf autorisation spéciale donnée dans les mêmes formes. En cas de disparition de l'un d'eux, ses droits sont répartis entre les autres fondateurs selon les modalités prévues par les statuts.

## Appendix 2

Law establishing the National Heritage Memorial Fund, United Kingdom (*extract*)

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*Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1980, Part I. (See end of Document for details)*

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## National Heritage Act 1980

## 1980 CHAPTER 17

## PART I

## THE NATIONAL HERITAGE MEMORIAL FUND

**1 Establishment of National Heritage Memorial Fund.**

- (1) There shall be a fund known as the National Heritage Memorial Fund, to be a memorial to those who have died for the United Kingdom, established in succession to the National Land Fund, which shall be applicable for the purposes specified in this Part of this Act.
- (2) The Fund shall be vested in and administered by a body corporate known as the Trustees of the National Heritage Memorial Fund and consisting of a chairman and not more than [<sup>1</sup>fourteen] other members appointed by the Prime Minister.
- (3) The persons appointed under this section shall include persons who have knowledge, experience or interests relevant to the purposes for which the Fund may be applied and who are connected by residence or otherwise with England, Wales, Scotland and Northern Ireland respectively.

[<sup>2</sup>(3A) The Prime Minister shall consult the Scottish Ministers before appointing—

- (a) the chairman of the Trustees, and
- (b) any person under this section on the ground that he is connected by residence or otherwise with Scotland.]

- (4) References in this Part of this Act to the Trustees are to the body constituted by subsection (2) above; and Schedule 1 to this Act shall have effect with respect to the Trustees and the discharge of their functions.

### Appendix 3

#### Federal decree establishing the Swiss Landscape Fund, Switzerland (*Fonds suisse pour le paysage*) (extract)

##### **Arrêté fédéral accordant une aide financière en faveur de la sauvegarde et de la gestion de paysages ruraux traditionnels**

451.51

du 3 mai 1991 (Etat le 1<sup>er</sup> août 2011)

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*L'Assemblée fédérale de la Confédération suisse,*  
vu l'art. 78, al. 3, de la constitution<sup>1,2</sup>  
vu une initiative parlementaire du 26 novembre 1990<sup>3</sup>,  
vu l'avis du Conseil fédéral du 4 mars 1991<sup>4</sup>,  
*arrête:*

##### **Art. 1 Principe**

<sup>1</sup> La Confédération accorde, dans les limites des moyens disponibles, une aide au financement des mesures visant à sauvegarder et à entretenir des paysages ruraux traditionnels. <sup>5</sup>

<sup>2</sup> Elle institue un fonds spécial à cet effet.

##### **Art. 2 Objet de l'aide**

L'aide financière est accordée pour l'exécution de mesures destinées notamment à:

- a. protéger, préserver, entretenir ou reconstituer des paysages ruraux traditionnels;
- b. maintenir et encourager les modes d'exploitation traditionnels et adaptés aux conditions locales;
- c. protéger, préserver, entretenir, rénover ou reconstituer des bâtiments ou des voies de communication historiques ou d'autres éléments du paysage rural traditionnel;
- d. informer sur la nécessité de sauvegarder et d'entretenir ces paysages.

RO 2007 6167

<sup>1</sup> RS 101

<sup>2</sup> Nouvelle teneur selon le ch. I de la LF du 18 juin 2010, en vigueur depuis le 1<sup>er</sup> août 2011 (RO 2010 4999; FF 2009 6853 6867).

<sup>3</sup> FF 1991 I 903

<sup>4</sup> FF 1991 I 1404

<sup>5</sup> Nouvelle teneur selon le ch. I de la LF du 18 juin 2010, en vigueur depuis le 1<sup>er</sup> août 2011 (RO 2010 4999; FF 2009 6853 6867).