

SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **ENVIRONMENT**

Convention on the Conservation of European Wildlife and Natural Habitats ([ETS No. 104](#)), open for signature, in Bern, on 19 September 1979.

Entry into force: 1 June 1982.

The Convention aims to ensure conservation of wild flora and fauna species and their habitats. Special attention is given to endangered and vulnerable species, including endangered and vulnerable migratory species specified in appendices.

The Parties undertake to take all appropriate measures to ensure the conservation of the habitats of the wild flora and fauna species. Such measures should be included in the Parties planning and development policies and pollution control, with particular attention to the conservation of wild flora and fauna. The Parties undertake to promote education and disseminate general information concerning the need to conserve species of wild flora and fauna and their habitats.

The Convention establishes a Standing Committee on which the Parties are represented by their delegates. The Committee's principal task is to monitor the provisions of this Convention in the light of development of the wild flora and the assessment of its needs. For this purpose, the Standing Committee is especially competent to make recommendations to the Parties and amendments to the appendices where these protected species are specified.

* * *

Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment ([ETS No. 150](#)), open for signature, in Lugano, on 21 June 1993.

Entry into force: The Convention will enter into force following the third ratification.

The Convention aims at ensuring adequate compensation for damage resulting from activities dangerous to the environment and also provides for means of prevention and reinstatement. It considers that the problems of adequate compensation for emissions released in one country causing damage in another country are also of an international nature.

The Convention first explains some technical terms as "dangerous activity", "dangerous substance", "genetically modified organism" and so on. The system of the Convention is based on objective liability taking into account the "polluter pays" principle. However, specific rules are provided concerning the fault of the victim, causation, joint liability of the operators of installations or sites for damage, and a compulsory financial security scheme to cover liability under the Convention.

The Convention provides that persons interested have the right to access to information held by bodies with public responsibility for the environment.

The Convention sets up a Standing Committee which is responsible for the interpretation and implementation of the Convention. The Committee may make recommendations as regards the implementation of the Convention and propose any necessary amendments to the Convention.

* * *

Convention on the Protection of Environment through Criminal Law ([ETS No. 172](#)), open for signature, in Strasbourg, on 4 November 1998.

Entry into force: The Convention will enter into force following the third ratification.

The Convention is aimed at improving the protection of the environment at European level by using the solution of last resort - criminal law - in order to deter and prevent conduct which is most harmful to it. It also seeks to harmonise national legislation in this field.

This new legal instrument obliges Contracting States to introduce specific provisions into their criminal law or to modify existing provisions in this field. It establishes as criminal offences a number of acts committed intentionally or through negligence where they cause or are likely to cause lasting damage to the quality of the air, soil, water, animals or plants, or result in the death of or serious injury to any person.

It defines the concept of criminal liability of natural and legal persons, specifies the measures to be adopted by states to enable them to confiscate property and define the powers available to the authorities, and provides for international co-operation.

The sanctions available must include imprisonment and pecuniary sanctions and may include reinstatement of the environment, the latter being an optional provision in the Convention.

Another major provision concerns the possibility for environmental protection associations to participate in criminal proceedings concerning offences provided for in the Convention.

* * *

Council of Europe Landscape Convention ([ETS No. 176](#)), open for signature, in Florence, on 20 October 2000.

Entry into force: 1 March 2004.

The Convention aims to encourage public authorities to adopt policies and measures at local, regional, national and international level for protecting, managing and planning landscapes throughout Europe. It covers all landscapes, both outstanding and ordinary, that determine the quality of people's living environment. The text provides for a flexible approach to landscapes whose specific features call for various types of action, ranging from strict conservation through protection, management and improvement to actual creation.

The Convention proposes legal and financial measures at the national and international levels, aimed at shaping "landscape policies" and promoting interaction between local and central authorities as well as transfrontier cooperation in protecting landscapes. It sets out a range of different solutions which States can apply, according to their specific needs.

The Council of Europe intergovernmental committees will be supervising the convention's implementation. The text also provides for a Council of Europe Landscape award, to be given to local or regional authorities or an NGO which introduced exemplary and long-lasting policies or measures to protect, manage and plan landscapes.

* * *

Protocol amending the European Landscape Convention ([CETS No. 219](#)), open to ratification, acceptance or approval, in Strasbourg, on 1 August 2016.

Entry into force: 1 July 2021.

The aim of the Protocol is to promote European co-operation with non-European States who wish to implement the provisions of the Convention (ETS No. 176) by opening the Convention to their accession.