Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1130 (1990)[1]

Formulation of a European charter and a European convention on environmental protection and sustainable development

Parliamentary Assembly

1. For many years the Council of Europe has worked for the protection of the environment and regularly draws the attention of its member countries to the importance of co-operation in this field.

2. Environmental issues indeed are not restricted to areas within national frontiers but, on the contrary, directly affect the quality of life of millions of people and even of the entire planet.

3. The Assembly is conscious of this particular aspect of the problem and therefore welcomes the proposal by the United Nations World Commission on Environment and Development for a universal declaration and a convention on environmental protection and sustainable development.

4. Taking account of the extent of this task it considers that the motion presented by Mr Frendo and others (Doc. 5973) for a European charter and a European convention on environmental protection and sustainable development could stimulate and accelerate the formulation of a planetary convention on these issues.

5. The Assembly therefore recommends that the Committee of Ministers include the preparation of such a charter and convention in the Council of Europe's intergovernmental work programme on the basis of the appended draft.

Text of a European charter and a European convention on the environment and sustainable development

6. Every person has the fundamental right to an environment and living conditions conducive to his good health, well-being and full development of the human personality.

7. Every European and every Contracting European State has an equivalent duty to preserve and protect the environment in the interests of the health and well-being of all people inside and outside Europe, for the benefit of present and future generations.

8. Sustainable development

a. Every Contracting European State shall seek to make development sustainable to ensure that such development meets the needs of the present without compromising the ability of future generations to meet their own demands.

b. Every Contracting European State shall ensure that all relevant environmental factors are systematically properly assessed and taken into account in the preparation of development schemes, and in their realisation. Environmental impact assessments shall be integrated in development activities and plans. Economic development and the preservation of the environment are two complementary aspects of a single aspiration. The protection of the environment calls for a ‘‘qualitative" approach to economic growth.

1. Assembly debate on 28 September 1990 (11th Sitting) (see Doc. 6286, report of the Committee on the Environment, Regional Planning and Local Authorities, Rapporteur : Mr Frendo). Text adopted by the Assembly on 28 September 1990 (11th Sitting).

c. Every Contracting European State undertakes to maintain a resolute policy to provide contemporary society with an environment which, while opening up a full range of economic activities, in no way destroys the ecological balance.

d. It shall be the duty of all in Europe (government, international organisations, business and citizens) constantly to seek to improve the quality of life.

9. Sustainable development : industry Industrial growth and development shall seek to conserve and enhance the environment by the utilisation of pollution-free technologies and waste disposal measures, and by prudent use of natural resources. Industrial growth and development shall seek to conserve and enhance the environment by the utilisation of pollution-free technologies and waste disposal measures, and by prudent use of natural resources.

10. Sustainable development : energy

a. Energy, essential for daily human survival, must be used in a more rational way in order to meet the growing human needs.

b. Sustainable development of energy (whether nuclear or fossil, or wood fuels) shall mean measures to minimise global warming, air pollution, acidification of the environment and other environmental damage in Europe and beyond.

c. Contracting European States shall co-operate together in programmes for the development and increased use of renewable energy sources such as hydropower, wind power, alcohol, geothermal and solar energy systems.

11. Sustainable development : land-use Contracting European States shall follow land-use policies reflecting the belief that land should be allocated according to its capability, its suitability and the needs of society, and not made subject almost exclusively to market demand as the principal criterion for this allocation amongst competing uses. Land-use policies for both urban areas and the countryside shall, from the planning stage, seek :

a. to maintain a structured relationship between the proportion of built-up areas, agricultural land and open countryside ;

b. to identify and distinguish between residential and business areas, adopting zoning strategies to reconcile the rights of residents and the exigencies of business ;

c. consider and protect coastal zones and popular access to them as the common heritage of all Europeans, while enhancing their attractiveness and utilisation in the interests of the tourist industry. Contracting European States shall endeavour to take into account simultaneously the maintenance of the ecological and biological balance, preservation of the beauty of landscapes and conservation of natural resources, promotion of economic and tourist development, safeguarding of the hinterland. They shall consider their coastlines as homogeneous zones within which the land use is rationally planned with respect to the effects of adjacent zones and the various elements making up the environment.

12. Sustainable development : agriculture

a. Best use shall be made of agricultural land which shall be utilised in a way to preserve the soil and its qualities for future generations.

b. Land speculation shall not be allowed to diminish agricultural land essential for the food needs of the country's population.

c. Contracting European States shall encourage the use of organic nutrients rather than chemical fertilisers and pesticides.

d. Contracting European States shall follow the principles adopted in the European Soil Charter (Res. CM (72) 19) recognising the preciousness of the soil as an asset for humanity and the need to protect it against erosion, pollution and other dangers to its qualitative preservation and enhancement.

13. Sustainable development : heritage Development shall be carried out in full respect of the natural, historical and cultural heritage. Contracting European States undertake to ensure the safeguarding of this heritage in their development plans.

14. Sustainable development : health The protection and advancement of human health shall be a dominating integrated factor in development policies. Every European and every Contracting European State has a responsibility vis-à-vis the health of all people and must bear that responsibility in carrying out development programmes. City and community planning and development must especially be directed at the enhancement of human health and well-being.

15. Sustainable development : water

a. Contracting European States and Europeans shall follow the items and principles enunciated in the European Water Charter and ensure the availability of a sufficient quantity of water of satisfactory quality for human, animal and industrial consumption.

b. European states and in particular European industry shall ensure that all possible measures are taken to prevent and to remedy water pollution, and to ensure the highest quality drinking water available for consumption.

16. Sustainable development : air

a. Contracting European States shall carry out their development policies and actions in full recognition of the principles enunciated in the Declaration of principles on air pollution control (Res. CM (68) 4) considering that the natural quality of air, essential to life, must be maintained in order to safeguard man's health and well-being and to protect his environment.

b. Contracting European States shall regulate long-range transboundary air pollution on the basis of the United Nations Economic Commission for Europe's convention on this matter.

c. They shall also co-ordinate research on the effects of pollution on the environment, on the food-cycle, on human, animal and plant life, on scenic beauty, on historical heritage, on afforestation, while assessing its economic aspects and its costs.

d. Contracting European States shall follow the principles and rules enunciated in the Vienna Convention and the Montreal Protocol on the production and use of chlorofluorocarbons in recognition of the urgent need to protect the world's ozone layer.

17. Sustainable development : noise

a. Contracting European States shall conceive and carry out development policies in appreciation of the right of man to be protected from the physical and psychical effects of noise.

b. States shall therefore take action to ensure the abatement of noise from the operation of aircraft, road traffic and utilisation of mechanical and other machinery in industry and elsewhere.

c. States shall also strive to sound-proof hospitals, schools and other environments where protection from noise is particularly called for.

18. Conservation and protection of flora and fauna

a. Each Contracting Party shall ensure that the necessary measures are taken to conserve and to prevent the disappearance of species or individuals of flora and fauna that for biological, genetic, aesthetic, socio-economic or cultural reasons should continue to exist. These measures shall include :

1. protecting plant and animal species or individuals that are in danger of extinction, by the declaration of species or individuals protected against any intervention in their management, or by the creation of servitudes, or by expropriation ;
2. establishing the maritime and river ports, airports and border areas where individuals and primary products of flora and fauna may be exported ;
3. promoting the development and utilisation of the best methods of conservation and use of flora ;
4. requiring, in order to import any individual or product of flora and fauna, certificates officially stating that the rules on health plans and protection of species of the country of origin have been complied with.

b. Each Contracting Party shall protect its forests from fires which cause irreparable harm thereto. Each Contracting Party shall ensure that proper and adequate fire-fighting equipment is available and ready for use in case of forest fires.

c. Each Contracting Party shall promote reforestation.

d. Each Contracting Party shall regulate logging in such a way as not to harm the forest. A study and a schedule of the works necessary to ensure renewability of all forests shall be undertaken by the Contracting Parties.

e. Each Contracting Party shall promote the conservation, development and rational exploitation of aquatic living resources and the aquatic environment in order to achieve permanent availability and rational management of the same in accordance with ecological, economic and social techniques.

f. In order to prevent environment deterioration or damage to the health of humankind and of other living beings, each Contracting Party shall establish conditions for the importation, exportation, manufacture, transport, storage, marketing, handling, use ordisposal of toxic or hazardous substances and products.

g. The conditions established under paragraph 13. a shall be observed, in particular, in the performance of any development project making use of physical elements such as radioactive substances or of radiation-producing equipment.

19. Management of wastes

a. Each Contracting Party shall observe the following rules in the handling of residues, garbage, waste and refuse :

1. the best method in the light of scientific and technological progress shall be used in the collection, treatment, processing and final disposal of residues, garbage, refuse, and waste of any kind ;

2. scientific and technological research shall be promoted in order to :

develop the most appropriate methods for protecting the environment, humankind and other living beings ;

reintegrate into the natural and economic system all solid, liquid and gaseous wastes originating from industrial or domestic activities or from human settlements in general ;

substitute the production or importation of products that are difficult to dispose of or difficult to recycle ;

perfect and develop new methods of treating, collecting, storing and finally disposing of solid, liquid or gaseous wastes that cannot be re-used ;

3. suitable measures shall be taken to eliminate and control the emission of unpleasant odours from specific sources.

b. Each Contracting Party shall ensure that, for the disposal and final processing of garbage, methods are used which contribute to :

1. avoiding environmental degradation and damage to human health ;

2. re-using the components of the garbage ;

3. producing new goods ; iv. restoring or improving the soil.

c. Each Contracting Party shall take appropriate measures to reduce the quantity of wastes.

20. Education

a. Contracting European States undertake to introduce into their educational programmes at all levels and in all appropriate disciplines the principles of environmental, nature conservation and ecological education, including the principles enunciated in this charter.

b. Contracting European States and European citizens shall give full support to environmental education in Europe and to the environmental protection and enhancement activities of other Contracting European States and of European organisations.

21. Implementation

a. In the implementation of these principles, Contracting European States shall co-operate with each other in good faith to achieve optimal results from their environmental policies and actions, in the use of transfrontier natural resources and in the effective prevention of abatement of transfrontier environmental problems.

b. In such complementary action, they shall also provide timely and relevant information on all aspects of these principles to other concerned states and persons likely to be affected by any planned or realised development activity.

c. Contracting European States undertake to apply as a minimum at least the same standards to environmental conduct and impacts regarding transfrontier natural resources and environmental problems as are applied domestically in line with the principles of this charter.

d. All European states shall work together and co-operate in good faith in implementing the principles enunciated in this charter.

22. Liability

a. States, industry and all persons shall be liable to pay for the environmentally harmful consequences of their actions and development programmes, whether these consequences are limited to their own territory or property or whether they spread beyond their frontiers or property, and with regard to states, this liability should occur even when the activities were not known to be harmful at the time they were undertaken.

b. The principle of the polluter's liability, or the ‘‘polluter-pays'' principle as it is commonly known, shall be strictly applicable. This principle, however, shall not be a substitute for enforceable environmental policies and should be considered as a deterrent penalty. The liability of industries producing non-biodegradable goods should include an obligation to finance the collection or the regeneration of these articles after use by the consumer.

23. Criminal liability Each Contracting Party shall take the following measures :

23.1. introduce in its criminal law any of the following, that is to say, daily fines, day fines, suspended fines and conditional fines so as to punish environmental offences ;

23.2. allocate proceeds from any of the pecuniary penalties mentioned in paragraph a of this article to environmental uses ;

23.3. impose restoration to the former state, work for the benefit of the community, disqualifications and publication of convictions as additional criminal punishments which may be applied by the competent authority of each Contracting Party in case of environmental offences ;

23.4. criminalise acts and omissions which intentionally or negligently expose the life or health of human beings or property of substantial value to potential danger ;

23.5. re-examine the criminal procedure in matters of environmental protection and, in particular :

23.5.1. create specialist branches of courts and offices of public prosecution to deal with environmental cases ;

23.5.2. create a special criminal register of persons convicted for environmental offences, independently of the general criminal register ;

23.5.3. exclude from amnesty persons convicted of serious environmental offences ;

23.6. codify the entire legislation on the environment.