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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Draft Protocol amending the European Landscape Convention (ETS No 176)

Request for an opinion
Committee of Ministers

Letter from the Chair of the Ministers' Deputies to the President of the Assembly (26 October 2015)

At their 1238th meeting (14 October 2015), the Ministers' Deputies decided to transmit the Draft Protocol amending the European Landscape Convention (ETS No 176) to the Parliamentary Assembly and invited the Assembly to give priority to this issue and adopt its opinion on the draft Protocol as a matter of urgency.

Accordingly, I have the honour of sending you the enclosed draft Protocol.

On behalf of the Ministers' Deputies, I thank you in advance for your attention to this urgent matter.

I look forward to receiving the Assembly's opinion.

Yours sincerely,

[signed]

Almir Šahović, Chair of the Ministers' Deputies

Appendix – Draft Protocol amending the European Landscape Convention (ETS No 176)

The member States of the Council of Europe and the other Parties to the European Landscape Convention opened for signature in Florence on 20 October 2000 (hereinafter referred to as "the Convention"),

Wishing to promote European co-operation with non-European States who wish to implement the provisions of the Convention,

Have agreed as follows:

Article 1

1. In the Preamble, a new paragraph is added after paragraph 5:

"Aware, in general, of the importance of the landscape at global level as an essential component of human being's surroundings;"

2. In the Preamble, a new paragraph is added after the original paragraph 12 (new paragraph 13):

"Wishing to enable the application of the values and principles formulated in the Convention to non-European States who so desire;"

Article 2

The text of Article 3 of the Convention shall be replaced by the following:

"The aims of this Convention are to promote landscape protection, management and planning, and to organise co-operation between the Parties."

Article 3

Paragraph C.2 of Article 6 of the Convention shall be replaced by the following:

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

Article 4

The title of Chapter III of the Convention shall be changed to the following:

"Chapter III – Co-operation between the Parties"

Article 5

Paragraph 1 of Article 11 of the Convention shall be replaced by the following:

"The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities of the Parties. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning."

Article 6

Paragraph 1 of Article 14 of the Convention shall be replaced by the following:

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

Article 7 – Ratification, acceptance or approval, entry into force

1. This Protocol shall be open for ratification, acceptance or approval by the Parties to the Convention.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of this Article.

4. However, this Protocol shall enter into force following the expiry of a period of two years after the date on which it has been opened to ratification, acceptance or approval, unless a Party to the Convention has notified the Secretary General of the Council of Europe of an objection to its entry into force. The right to make an objection shall be reserved to those States or the European Union which were Parties to the Convention at the date of opening for ratification, acceptance or approval of this Protocol.

5. Should such an objection be notified, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which the Party to the Convention which has notified the objection has deposited its instrument of ratification, acceptance or approval with the Secretary General of the Council of Europe.

Article 8 – Notification

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

a. the deposit of any instrument of ratification, acceptance, approval or accession;

b. the date of entry into force of this Protocol, in accordance with Article 7;

c. any other act, notification or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this … day of … …, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State or to the European Union having acceded to the Convention.