

Draft European Charter of Mountain Regions

Preamble

The member states of the Council of Europe and other signatories to this Charter,

1. Considering that one of the aims of the Council of Europe is to achieve the fullest possible economic and social cohesion between its members;
2. Noting that mountain regions occupy large areas in Europe and assume important functions of general interest, namely of an environmental, economical, social and cultural nature;
3. Aware that the mountain regions of Europe, in spite of their diversity, are experiencing common economic, social and environmental problems arising from their special geomorphological and climatic situations;
4. Taking into account the transfrontier character of some mountain regions, and the difficulties of implementing a coherent policy on both sides of the border;
5. Believing that the special conditions in mountain regions make it more difficult to satisfy the essential needs of their inhabitants;
6. Convinced that mountain populations and their natural environment constitute the basis of the major assets of mountain regions, and that these regions cannot fulfil their functions of general interest unless their landscapes and their natural resources are protected, a human presence is maintained, economic development is carried out, and adequate environmental protection and management are applied;
7. Recalling that mountain populations should be accorded the right to live and work in the mountains, the preservation of their local environment and a setting, living conditions and standard of living equivalent to those of other more favoured rural and urban regions;
8. Aware that the maintenance of populations in mountain areas is directly linked to the durability of economic activities traditionally and necessarily based on agriculture, forestry and crafts;
9. Considering that Europe's mountains constitute an exceptional heritage which should be enhanced and preserved, and that there is a need to protect and promote their diversity while ensuring that the social identity, traditions and culture of their populations are respected and maintained;
10. Considering that, for this purpose, it is important in the first instance to rely on Europe's local and regional authorities, which are closer to the territories, inhabitants and problems of mountain regions, to encourage their co-operation and to support any initiatives they might take;
11. Considering the recommendations and commitments made at the 1992 Rio de Janeiro Conference on Environment and Development;
12. Considering the whole body of resolutions and recommendations relating to mountain areas, rural areas, regional planning and the protection of the environment adopted by the

European Conferences of Ministers responsible for these matters, the Standing Conference of Local and Regional Authorities of Europe, the Parliamentary Assembly and the Committee of Ministers of the Council of Europe;

13. Considering that Resolution 202 of the Standing Conference of Local and Regional Authorities of Europe invites the Council of Europe to draw up a European Charter of Mountain Regions proposing a concept of "European mountain regions" and laying down the broad lines of policies designed to resolve the problems involved, while guaranteeing the uniform treatment of frontier mountain regions;

Have agreed as follows:

Part I – Object and definitions

Article 1

Object

The object of this Charter is to define the general principles, common to the member states of the Council of Europe, of a policy on the management, development and protection of mountain regions.

Article 2

Definition of mountain regions

For the purposes of this Charter, the Parties interpret the term "mountain regions" to mean areas whose altitude, sloping terrain and climate create special conditions which affect the pursuit of human activities.

Article 3

Territorial scope

The areas qualifying as mountain regions under the terms of the preceding Article shall be designated by the Contracting Parties, in accordance with Article 28 of this Charter.

Part II – Principles and aims of mountain policy

Article 4

General principles

1. Mountain areas require a specific policy framed according to the principles of sustainable development. This policy should address the whole range of problems: economic, social, cultural and environmental. It must aim to secure equivalent living conditions between mountain populations and populations of more favoured regions, with due regard to their diversity.

2. Mountain policy shall respect local and regional self-government by applying the principle of subsidiarity. Local and regional authorities shall be involved in its definition and formulation and be responsible, according to their respective powers, for its implementation.

3. To this end, the signatory states shall facilitate co-operation between local authorities and between regions within a national, transfrontier and transnational framework.

Article 5

General and sectoral policies

1. The Parties undertake to implement in mountain regions a comprehensive regional/spatial planning policy which should combine, according to the situations typifying each region, means for promoting economic development, for furthering the cultural and social interests of the population and for protecting and managing the environment.

2. They shall adapt and increase the effectiveness of the various sectoral policies already in force, and ensure their co-ordination as well as their integration into a comprehensive approach.

Article 6

Aims

1. The Parties shall base their policies, legislation and action regarding mountain areas on the following aims:

a. explicit recognition of mountain regions and their specific nature;

b. due regard for and recognition of the geographical entity constituted by each mountain area, so as to prevent existing or future administrative divisions from hindering the implementation of mountain policies;

c. maintaining populations in situ and combating the out-migration of young people;

d. establishment or modernisation of infrastructures and amenities necessary to the quality of life in, and the development of, mountain regions;

e. maintenance and improvement of local public services;

f. preservation of agricultural and pasture land and essential maintenance and modernisation of agricultural activities through a specific approach to mountain agriculture;

g. development of endogenous energy resources;

h. conservation of existing industrial activities and establishment of industries based on new technologies;

i. development of the tertiary sector, particularly tourism, as a supplement to traditional livelihoods;

j. preservation of the identity and dissemination of the cultural values specific to mountains and to each homogeneous mountain area.

2. These aims shall be achieved while respecting and protecting the environment as a result of an overall assessment of human and natural resources, abandoning the traditional choice between economic development and protection of the natural environment and seeking to establish a balance between human activities and ecological requirements.

Part III – Policy measures

Article 7

Policy guidelines

1. The implementation of regional/spatial planning policies in mountain regions must make it possible for traditional activities such as agriculture, forestry and crafts to undergo sustainable development which is capable of ensuring the preservation of the natural environment and of providing the essential basis for any other supplementary economic activity.

2. Any regional/spatial planning policy applied to mountain regions must be devised and implemented first and foremost in accordance with the requirements and interests of the populations concerned.

3. The Parties undertake to frame regional/spatial planning policies for mountain areas adhering to the principles stated in paragraphs 1 and 2 above and conducive to better intermunicipal, inter-regional and transfrontier co-ordination, effective rebalancing of resources, and recognition of the special nature of the problems of mountain areas.

4. Regional/spatial planning policies in mountain regions must come under general development plans or programmes taking account of all factors typifying the mountain area in question and capable of forming a standard reference for any other sectoral policy.

5. For the purpose of implementing a regional/spatial planning policy as defined in the preceding paragraphs, the Parties shall adopt legal, administrative, fiscal, economic and financial measures and shall institute sectoral policies in the following areas:

Article 8

Agriculture

1. The Parties undertake to implement agricultural policies appropriate to mountain areas, emphasising family farms and departing from certain standards applied in lowland regions:

2. They may take measures designed to ensure:

a. the preservation of agricultural and pasture land, particularly at high altitudes, and the survival and modernisation of farms;

b. indemnification of damage arising from major natural hazards, and compensation for the natural and ecological constraints inherent in mountain areas;

c. deterrents to the spread of abandoned arable areas and wastelands, the disuse of pastures and the fragmentation of holdings, and incentives to property consortiums and associations for the maintenance of agricultural land;

d. development of the dairy industry;

e. diversification, production and marketing of quality goods; creation of quality standards and labels for mountain products;

f. development of rural tourism;

g. easing of production quotas to take account of the absence of alternative forms of production in mountain areas;

h. encouraging the perpetuation of farming activities by providing aid to help young farmers set up businesses and by making inheritance tax concessions;

i. development of farmer co-operatives, co-operation structures and organisations, and businesses which process the products characteristic of each region.

3. The Parties undertake to support agricultural initiatives which contribute to the preservation, protection and improvement of the environment.

Article 9

Forestry

1. The Parties shall implement the following measures:

a. development of the timber industry;

b. enhancement of mountain forests through the improvement of production and exploitation conditions, the diversification of forest stands and the modernisation and carefully planned building of environmentally compatible service and access routes;

c. protection of forests, particularly at high altitudes, against natural disasters;

d. introduction of programmes for preventing and fighting fires, if necessary by placing restrictions on the use of fire in human activities;

e. reforestation programmes in cleared areas, where compatible with the intrinsic characteristics of the area concerned, devised in consultation with local agencies, ensuring that suitable species are planted and all monoculture and random afforestation are avoided;

f. control of natural afforestation on disused agricultural and pasture land in order to avoid closing tracts of countryside and spoiling their natural beauty.

2. They shall also ensure that natural and ecological constraints on forestry enterprises are offset and that fair compensation is provided for upkeep of woodland and non-utilisation of forestry potential with a view to environmental protection.

Article 10

Industry, crafts and services

In order to protect jobs in mountain regions, the Parties shall take the following measures:

- a. encourage the maintenance of pollution-free industries and existing crafts by bringing influence to bear on infrastructures and framework conditions, particularly by simplifying administration and taxation procedures;
- b. set up suitable reception, guidance and assistance facilities for businesses;
- c. decentralise services and other production activities and stimulate the establishment of innovative, high technology and high value-added businesses;
- d. stimulate the establishment in mountain regions of industries and craft firms in order to improve methods for processing agricultural and forest-based products;
- e. utilise forest-based products on the spot, especially products of first-stage processing and waste products, and encourage the development of woodworking crafts for amenities, construction and certain tourism-related products;
- f. foster the improvement of production, working-up and marketing processes in regional mountain goods and measures to promote quality production.

Article 11

Multiple job-holding

The Parties undertake to simplify and assist multiple job-holding by taking all necessary measures, particularly as regards labour law, social protection, taxation and training. Special attention should be paid to the problems raised by the diversity of the resources and income of families with multiple occupations.

Article 12

Housing

In respect of housing, the Parties shall:

- a. ensure that permanent residents have access to housing, in spite of the housing market distortions caused by the demand for second homes;
- b. regulate as appropriate the siting of second homes;
- c. promote the rehabilitation and renovation of housing and the salvaging of derelict buildings, while respecting traditional styles and materials, particularly by means of financial aid;
- d. ensure the quality of accommodation and suitable architectural design in harmony with the landscape.

Article 13

Tourism

1. With regard to tourism policy and its repercussions in mountain regions, the Parties undertake to apply the following measures:
 - a. to ensure a balance between the development of tourism and the capacity of existing infrastructures and services, while maintaining the quality of the landscape and the environment and preserving traditional architecture and materials;
 - b. foster and support initiatives in rural tourism and other forms of tourism respectful of the natural, economic and social environment;
 - c. ensure that those employed in the tourism sector are sufficiently qualified for the purposes of present day tourism and able to guarantee quality service and work;
 - d. turn to account the advantages of mountain areas in terms of their environment, landscapes, architectural and cultural heritage, products and traditions.
 - e. encourage multi-seasonal operation in order to ensure sustained multiple job-holding and guard against over-use of mountain natural resources through undue seasonal concentration;
 - f. apply controls to recreational pursuits liable to impair the balance of the natural environment, and alert tourists to the hazards of certain sports.
2. The Parties invite local and regional authorities to take these measures in order to achieve a balanced form of touristic development respectful of the environment and the value of the mountain heritage.

Article 14

Infrastructure, transport and amenities

1. Where infrastructure, amenities and public services are concerned, the Parties shall ensure that mountain areas are not at a disadvantage compared with other rural or urban areas. Likewise, the profitability criterion alone should not cause them to abolish an amenity or public service in a mountain area.
2. The Parties shall take steps to secure for local authorities in mountain areas, or to bring up to the level of other local authorities, such basic infrastructures as local road networks, electricity supply, water supply, sanitation, schools, hospitals, solid waste disposal and telecommunications, in particular using new technologies easier to install in mountainous terrains.

They shall take measures to offset the extra cost of providing infrastructures in mountain areas;
3. In order to contribute to mobility in mountain regions, to the fluidity and smooth operation of the labour market and to inter-regional traffic and international transit, the security of the

local population and of other users, the Parties, while respecting the constraints of environmental protection, undertake to:

- a. guarantee perfectly safe, year-round access to mountain areas;
 - b. incorporate mountain areas into the European network of communication and transport routes;
 - c. give priority, in international transit and inter-regional and local traffic, to rail transport by developing piggyback and intermodal transport, maintaining rail services to mountain areas wherever possible, and improving existing lines or building modern lines appropriate to the terrain and in harmony with the landscape;
 - d. establish in mountain areas an overall strategy for the planning and development of overland communication routes and transport. The specific problems associated with insularity of certain mountain regions should be taken into account, notably by applying the principle of territorial continuity;
 - e. improve regional, inter-regional and transfrontier communication routes in compliance with European standards on environmental impact studies, and provide regular, efficient public transport services;
4. The Parties shall take steps to maintain and improve the organisation of amenities and public services in mountain areas and to provide the inhabitants with immediate access to basic services such as health, education, local public transport, postal and telecommunication services and security. For this purpose they may if appropriate draw up an overall plan for the organisation of public services, or assign multiple functions to them.

Article 15

Energy

With regard to energy, the Parties undertake to:

- a. turn endogenous resources to account and exploit hydroelectric potential in a manner compatible with environmental requirements;
- b. instal the power plants in such a way as to preserve the natural environment;
- c. encourage the development of alternative and renewable energy sources;
- d. enable mountain communities to benefit from revenue earned by their hydroelectric resources.

Article 16

Education, training, research and awareness-raising

1. In order to guarantee the right to, access to and equality of education, the Parties shall ensure that schools in mountain regions remain open and are organised according to the

requirements of the terrain, particularly in order to obviate long journeys for pupils. They shall develop new educational technologies, adapting them as appropriate.

2. In the educational field, the Parties undertake to develop and broaden technical and vocational training courses in mountain regions, in primary and secondary as well as higher education.

3. They shall take particular care to create teams of specialised instructors and appropriate training programmes, especially in the fields of mountain agriculture and crafts and advanced technology.

4. Where necessary, the Parties may implement specific programmes to assist research, especially within the framework of interregional co-operation.

5. They shall set up awareness-raising and information programmes on the preservation of the natural, cultural and social environment of mountain areas.

Article 17

Culture

1. The Parties undertake to respect, maintain and promote the diversity and richness of the cultural heritage of mountain regions and to develop cultural activities by taking the following measures:

a. cataloguing the historical heritage of mountain areas, enhancing it and making it more widely known;

b. protecting and developing the cultural traditions and forms of expression of all mountain regions, including, where appropriate, local languages, in accordance with the European Charter for Regional or Minority Languages;

c. reinforcing the cultural identity of mountain populations and stimulating the activities of voluntary associations.

Article 18

Environment

1. With regard to the environment, the Parties undertake to:

a. take measures to ensure the protection and management of soils, water and air, rehabilitation, where appropriate, of sites and landscapes, and conservation of fauna and flora and their habitats;

b. define areas where building, public amenities, traffic or other activities prejudicial to the environment must be restricted, avoided or if necessary prohibited;

c. establish international scientific, technical and political co-operation in order to ensure the management and protection of the environment in Europe's mountain areas;

2. The Parties shall, in addition, take special measures designed to:

a. develop their networks of biogenetic reserves and the protection of endangered biotopes in mountain regions, as well as to intensify co-operation with the existing networks;

b. devise or reinforce impact study procedures applied in the process of approving infrastructures and industry or tourism schemes, and also programmes or policies, which are liable to cause significant damage to the environmental resources of mountain areas;

c. study in greater detail the ecological limits to land use in mountain regions;

d. catalogue danger areas and take effective measures to protect the natural environment, persons and property against natural hazards such as avalanches, flash floods, landslides and forest fires;

e. study and disseminate systems for controlling hydrological erosion and preventing and fighting forest fires;

f. encourage the most environment-friendly mountain region development activities and projects;

g. establish international co-operation in order to ensure integrated management of water resources, with special attention to low water levels in mountain rivers and lakes.

Article 19

Scientific and technical co-operation

1. The Parties undertake to pool their scientific and research experience:

a. by implementing or strengthening a system of information and statistical data compatible and comparable between one country and another;

b. by stimulating co-operation between universities and research centres in mountain regions and promoting the creation of a European network of research and monitoring centres concerned with the specific problems of mountain regions;

c. by establishing and encouraging regular links between, on the one hand, small and medium sized firms, and, on the other, training and research centres so as to study and exploit the potential of new information technologies and means of improving living and working conditions as well as other socio-cultural factors;

d. by supporting and developing the transfer of technology meeting the needs of mountain regions.

2. The Parties invite all agencies concerned to participate in this technological co-operation and development effort.

Part IV – Resources

Article 20

Policy instruments

In order to implement the policy for mountain regions as outlined above, the Parties undertake to provide adequate instruments and specific forms of aid for those regions, particularly where they have abnormally low income levels.

1. These instruments, which may be applied under general regional development programmes, shall:

a. deal specifically with spatial planning, nature and landscape protection, infrastructure, transport and socio-economic development;

b. be defined in the most suitable territorial context by or in conjunction with the competent local or regional authorities, with the participation of the public and the social and economic agencies and, if appropriate, in consultation with neighbouring authorities, within a local, regional, national and/or transfrontier scheme;

c. cover territories that are homogenous and coherent from the functional point of view;

d. co-ordinate the actions and investments of the responsible authorities in a given mountain territory over a given period of the year.

2. The Council of Europe's Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid, 21 May 1980), known as the Madrid Convention, shall serve as a guide in this respect.

3. The Parties undertake to develop the role of local and regional authorities to the full, as it is they who deal directly with mountain regions and are most familiar with their specific problems and best able to harness local forces to the promotion of social, economic and cultural life. In this connection, the management and implementation of the plans and programmes mentioned in paragraph 1 above should be delegated as far as possible to the regional and local authorities concerned, in accordance with the principle of subsidiarity and within the limits of their powers. Similarly, whenever necessary, the powers and financial resources of local and regional bodies must be reinforced and further developed in order to support policies in respect of mountain regions.

4. The Parties undertake to implement a policy of economic and financial aid and tax incentive in mountain regions aimed in particular at:

a. providing equalisation measures including tax equalisation, on behalf of less prosperous mountain regions;

b. assisting the maintenance and establishment of agricultural holdings, and craft business and commercial or industrial enterprises using pollution-free technologies;

c. facilitating the settlement of young people in the mountain areas, especially in agriculture, crafts and tourism;

d. compensating for natural or ecological constraints inherent in mountain areas and for restrictions on exploitation defined on a statutory or contractual basis;

e. rewarding the ecological services provided by mountain populations, particularly as regards upkeep of the landscape and protection against natural hazards.

5. The Parties undertake to co-operate with the institutions, bodies and associations dealing, at European level, with regional development in mountain areas.

Part V – Standing Committee

Article 21

Composition and functioning

1. For the purposes of the Charter, a Standing Committee shall be set up.

2. Any Contracting Party may be represented on the Standing Committee by a delegation comprising representatives of mountain regions. Each delegation shall have one vote. The Congress of Local and Regional Authorities of Europe (CLRAE) shall participate ex officio and with full rights. [In the event of its accession to the Charter the European Union, within the areas of its competence, shall exercise its right to vote with a number of votes equal to the number of its member States which are Contracting Parties to this Charter; the European Union shall not exercise its right to vote in cases where the member States concerned exercise theirs, and conversely.]

3. Any member State of the Council of Europe which is not a Contracting Party to the Charter may be represented on the Committee as an observer.

The Standing Committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Contracting Party to the Charter to be represented by an observer at one of its meetings.

Any body or agency technically qualified in this field may apply for observer status with the Standing Committee. The Standing Committee may, by simple majority, accept such a request.

4. The Standing Committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within one year of the date of the entry into force of the Charter. It shall subsequently meet at least every two years and whenever a majority of the Contracting Parties so request.

5. A majority of the Contracting Parties shall constitute a quorum for holding a meeting of the Standing Committee.

6. Subject to the provisions of this Charter, the Standing Committee shall draw up its own Rules of Procedure.

Article 22

Competencies

1. The Standing Committee shall be responsible for monitoring the application and the implementation of this Charter. It may in particular:

keep under review the provisions of this Charter;

make recommendations to the Contracting Parties concerning measures to be taken for the purposes of this Charter;

recommend the appropriate measures to keep the public informed about the activities undertaken within the framework of this Charter;

make recommendations to the Committee of Ministers concerning non-member States of the Council of Europe to be invited to accede to this Charter;

make any proposal for improving the effectiveness of this Charter.

2. In order to discharge its functions, the Standing Committee may, on its own initiative, arrange for meetings of groups of experts.

Article 23

Report on the application of the Charter

After each meeting, the Standing Committee shall forward to the Committee of Ministers of the Council of Europe a report on its work and on the functioning of the Charter.

Article 24

Publicity of proceedings

The Standing Committee will periodically – and at least every five years – make a detailed report to the Parliamentary Assembly and to the CLRAE on the application of this Charter.

Part VI – Final provisions

Article 25

Signature and ratification

This Charter is open for signature by the member States of the Council of Europe. It will be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 26

Entry into force

1. The Charter will enter into force on the first day of the month following the expiry of a period of three months after the date on which five States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of Article 25.

2. In respect of any member State which may subsequently express its consent to be bound by the Charter, the latter shall enter into force on the first day of the month following the expiry of a period of three months after date of the deposit of the instrument of ratification, acceptance or approval.

Article 27

Accession by non-member States

1. After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any non-member State of the Council of Europe to accede thereto.

2. In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 28

Territorial clause

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Charter shall apply, in consultation with the representatives of the mountain regions concerned.

2. Any Contracting Party may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Charter to any other territory which is specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings, in accordance with Article 3 of the Charter.

Article 29

Reservations

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations regarding articles 7 to 20 of this Charter. No other reservation may be made.

2. Any Contracting State which has made a reservation under the previous paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary of the Council of Europe. Such withdrawal shall take effect as from the date of receipt of the notification by the Secretary General.

Article 30

Denunciation

1. Any Contracting Party may, at any time, denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiry of a period of six months after the date of receipt of the notification by the Secretary General.

Article 31

Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State which has acceded to this Charter:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Charter in accordance with Articles 25 and 26;
- d. any report established in pursuance of the provisions of Articles 23 and 24;
- e. any other act, notification, declaration or communication relating to this Charter.

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

Done at Strasbourg,, 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 invited to accede to this Charter.