

**PROTOCOL ON THE IMPLEMENTATION OF THE
ALPINE CONVENTION OF 1991 RELATING TO SPATIAL
PLANNING AND SUSTAINABLE DEVELOPMENT**

**“SPATIAL PLANNING AND SUSTAINABLE
DEVELOPMENT” PROTOCOL**

Preamble

The Republic of Austria,

the French Republic,

the Federal Republic of Germany,

the Italian Republic,

the Principality of Liechtenstein,

the Principality of Monaco

the Republic of Slovenia

the Swiss Confederation,

and

the European Community,

- in accordance with their task, arising from the Convention on the Protection of the Alps (Alpine Convention) of 7 November 1991, of pursuing a comprehensive policy for the protection and sustainable development of the Alpine region,
- in compliance with their obligations under Article 2(2) and (3) of the Alpine Convention,
- aware that Alps make up an area of Europe-wide importance which constitutes a specific and diversified heritage in its geo-morphological formation, climate, waters, plant and animal life, landscape and culture, and that the upper mountains, the Alpine valleys and the pre-Alpine areas form an environmental whole, whose conservation should be of interest not just to the Alpine States,
- aware that the Alps form an area in which the local population lives and develops,
- convinced that the local population must be able to determine its own social, cultural and economic development plan and take part in its implementation in the existing institutional framework,
- aware that the Alpine territory also has various other functions of general interest, particularly for tourism and recreation, as well as containing important European transport arteries
- considering that the natural limits of the territory and the sensitivity of the ecosystems imply problems of compatibility with the increase in the population, both local and otherwise, and also

with the significant increase in land area required for these functions, resulting in harm or risks to the ecological balance of the Alpine territory,

- aware that this need is not evenly spread but is concentrated in single areas while others, instead, have a lack of opportunities and are subject to rural exodus,
- considering that, due to these risks, it has become necessary to pay special attention to the close interrelations between human activities – particularly in the areas of agriculture and forestry – and the safeguarding of the ecosystems, which make the Alpine territory extremely sensitive to the changes in the conditions in which the social and economic activities take place, and require appropriate and diversified measures, in accord with the local population, the political representatives and with businesses and associations,
- considering that the spatial planning policies, already practiced in order to reduce the disparities and increase cohesion, must be continued and adapted so that they can fully fulfil their preventive function, further taking environmental needs into account,
- aware that protection of the environment, social and cultural promotion and economic development of the Alpine territory are all objectives of equal importance, and that therefore it is necessary to find an appropriate, durable balance among them,
- convinced that many problems of the Alpine territory can be best resolved by the local and regional authorities directly concerned,
- convinced that it is necessary to promote cross-border cooperation between the local and regional bodies directly concerned in order to produce harmonious development,
- convinced that the disadvantaged natural conditions of production, particularly in agriculture and forestry, can undermine the livelihood of the local population and can be damaging to the Alpine territory as a place for living and recreation,
- convinced that making the Alpine territory available as an area with functions of general interest, especially functions of protection and those connected to ecological balance, and as an area of tourism and recreation, can justify the appropriate support measures,
- convinced that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States,

have agreed as follows:

Chapter I

General Provisions

Article 1

Objectives

The objectives of spatial planning and sustainable development in the Alpine territory are to:

- a) recognise the specific needs of the Alpine territory in the framework of national and European policies,
- b) harmonise the use of the territory with the ecological needs and objectives,
- c) use the resources and the territory sparingly and compatibly with the environment,
- d) recognise the specific interests of the Alpine population by a commitment to ensure the foundations for the development of such interests over time,
- e) support both economic development and a balanced distribution of the population in the Alpine territory,
- f) show respect for regional identities and specific cultural features,
- g) facilitate equal opportunities for the local population in its social, cultural and economic development, in accordance with territorial competences,
- h) take into account the natural disadvantages, the services of general interest, the limitations of use of resources and the price for using them, corresponding to their real value.

Article 2

Fundamental commitments

In accordance with the objectives of spatial planning and sustainable development of the Alpine territory, as in article 1, the Contracting Parties shall agree to create general conditions making it possible to:

- a) strengthen the ability of local and regional authorities to act in compliance with the principle of subsidiarity,
- b) implement specific regional strategies and the corresponding structures,

- c) ensure solidarity between the local and regional authorities, in terms of each of the Contracting Parties, by means of effective measures
- d) in cases of usage limitation on natural resources and where the conditions in the economic activities of the Alpine territory are recognised as disadvantaged, adopt the measures necessary for maintaining those activities, to the extent that such measures are compatible with the environment,
- e) encourage harmonisation in policies for territorial planning, development and protection, by means of international cooperation.

The Contracting Parties undertake to ensure the measures necessary for achieving the objectives stated at article 1, in compliance with the principle of subsidiarity.

Article 3

Consideration of the criteria for environmental protection in the policies for spatial planning and sustainable development

The spatial planning and sustainable development policies aim to achieve swift harmonisation of the economic interests with the needs for protecting the environment, with particular attention to:

- a) safeguarding and restoring the ecological balance and the biodiversity of the Alpine region,
- b) safeguarding and managing the diversity of the natural and rural sites and landscapes, and also the urban locations of value,
- c) the prudent use, compatible with the environment, of the natural resources – soil, air, water, plants and animals, energy,
- d) the protection of ecosystems, the species and rare landscape elements
- e) restoring deteriorated natural and urban environments,
- f) protecting against natural hazards,
- g) compatibly building structures and facilities necessary for development with the environment and the landscape,
- h) respect for the specific cultural features of the Alpine regions.

Article 4

International cooperation

1. The Contracting Parties undertake to eliminate any obstacles to international cooperation between the local and regional Alpine authorities, and to promote the solution to mutual problems by means of the best collaboration at territorial level.
2. The Contracting Parties shall pursue greater international cooperation between the respective competent institutions, particularly when drawing up territorial plans and/or programmes and for sustainable development in accordance with article 8, at a national and regional level, and also when defining sector plans of territorial relevance. In the border areas, this cooperation should primarily aim a coordinating territorial planning with economic development and environmental requirements.
3. When the local and regional authorities cannot adopt such measures, since they are of national or international competence, it will be necessary to ensure that they have the possibility to effectively represent the interests of the population.

Article 5

Taking account of the objectives in other policies

The Contracting Parties undertake to also consider the objectives of this Protocol in their other policies, particularly in the area of regional development, urban planning, transport, tourism, farming and forestry, protection of the environment, and as regards supplies, especially of water and energy, also with the aim to reduce any negative or contradictory impacts.

Article 6

Coordination of the sector policies

The Contracting Parties shall set up the instruments for coordinating sector policies, where these do not already exist, in order to promote the sustainable development of the Alpine territory and its regions, making an effort to find solutions compatible with the protection of the environment and the sustainable management of the natural resources, and to prevent the risks connected to single-sector economies, promoting diversification of activities and guiding partners towards mutual objectives.

Article 7

Participation of the regional and local authorities

1. Each Contracting Party shall define, within its institutional frame work, the best level of coordination and cooperation between the institutions and regional and local authorities directly concerned so as to encourage solidarity of responsibility, in particular to exploit and develop potential synergies when applying spatial planning and sustainable development policies and implementing measures under them.
2. The regional and local authorities directly concerned shall be parties to the various stages of preparing and implementing these policies and measures, within their competence and within the existing institutional framework.

Chapter II

Specific Measures

Article 8

Spatial plans and/or programmes and sustainable development

1. The objectives of spatial and sustainable development planning shall be achieved, in the framework of current laws and regulations of the Contracting Parties, by preparing spatial and sustainable development plans and/or programmes.
2. These plans and/or programmes will be defined for the entire Alpine territory by the competent local and regional authorities.
3. They are to be prepared by or with the participation of the competent territorial authorities, and in coordination with bordering territorial authorities, possibly at a cross-border level, and shall be coordinated between the various territorial levels.
4. They shall establish the directions for sustainable development and spatial planning of continuous areas and are regularly reviewed and, when necessary, modified. Their preparation and implementation is based on surveys and preliminary studies, by which the characteristics of the territory in question are defined.

Article 9

Contents of spatial and sustainable development plans and/or programmes

The spatial and sustainable development plans and/or programmes include, at the most appropriate territorial level and taking account of the specific territorial conditions,:

1. Regional economic development

- a) measures for ensuring that there is a sufficient level of employment for the local population and that there are the means and services necessary for economic, social and cultural development and to ensure equal opportunities,
- b) measures for encouraging economic diversification in order to remove structural failings and the risk of a single-sector economies,
- c) measures for reinforcing the cooperation between farming and forestry economies, tourism and manufacturing, particularly through the combination of work creation activities.

2. Rural areas

- a) reserving lands for agriculture, forestry and pasture farming,
- b) defining measures for the maintenance and development of mountain agriculture and forestry,
- c) conservation and reclaiming of territories of major ecological and cultural value,
- d) determining the areas and installations necessary for leisure activities, complying with other uses of the ground,
- e) determining the areas subject to natural hazards, where building of structures and installations should be avoided as much as possible.

3. Urbanised areas

- a) proper and contained delimiting of the areas for urbanising, and also measures for ensuring that the areas so defined are actually built upon,
- b) reserving the lands necessary for economic and cultural activities, for supply services, and also for leisure activities,
- c) determining the areas subject to natural hazards, where building of structures and installations should be avoided as much as possible.

- d) conservation and creation of green areas in the town centres and suburban areas for leisure time,
 - e) limiting of holiday homes,
 - f) urbanisation directed and concentrated along the routes served by transport infrastructures and/or continuing on from the existing constructions,
 - g) conservation of the characteristic urban sites,
 - h) conservation and restoration of the characteristic architectural heritage.
4. Protection of nature and the landscape
- a) delimiting of the areas for protecting nature and the landscape, and also for safeguarding the water courses and other vital natural resources,
 - b) delimiting of tranquil areas and areas in which construction of buildings and infrastructures is restrained or prohibited, as are other damaging activities.
5. Transport
- a) measures for improving regional and super-regional connections,
 - b) measures for encouraging the use of means of transport compatible with the environment,
 - c) measures for reinforcing the coordination and cooperation between the various means of transport,
 - d) measures for limiting traffic, which may also include limitations to motorised traffic,
 - e) measures for improving the offer of public transport for the local population and visitors.

Article 10

Compatibility of the projects

1. The Contracting Parties shall create the conditions necessary for examining the direct and indirect impacts of both public and private projects that could significantly and lastingly undermine nature, the landscape, the architectural heritage and the territory. This examination is to take account of the living conditions of the local population, particularly of its interests in relation to economic, social and cultural development. The result of this examination will be taken into account when deciding on authorising or implementing projects.

2. When a project has repercussions on spatial planning, sustainable development and on the environmental conditions of a neighbouring Contracting Party, the competent authorities must be promptly informed. The information must be sent in reasonable time to permit examination and an integrated viewpoint in the decision-making process.

Article 11

Use of resources, services of general interest, natural obstacles to production and limitations on the use of resources

The Contracting Parties shall examine to what extent it is possible, in compliance with their respective national laws, to:

- a) ascribe market prices to the users of Alpine resources that include in their economic value the cost of making these resources available,
- b) recompense the services provided in the general interest,
- c) provide a fair compensation for the economic activities, particularly in the areas of agriculture and forestry that are disadvantaged by the natural difficulties of production,
- d) ensure a fair remuneration, defined by means of legal regulations or contracts, for the further limitations compatible with obtaining an economic exploitation commensurate with the environment of the potential natural territory.

Article 12

Economic and financial measures

1. The Contracting Parties shall examine the possibility of support to the sustainable development of the Alpine territory – objective pursued by this Protocol – by means of economic and financial measures.
2. The following measures are to be considered supplementary to those in article 11:
 - a) measures for compensation between the most appropriate level of territorial authorities,
 - b) re-directing of the policies for traditional sectors, and rational usage of the existing incentives,
 - c) support to cross-border projects.

3. The Contracting Parties shall examine the impact on the environment and the territory of the economic and financial provisions, whether currently in place or to be adopted, giving priority to the measures compatible with the environment and with the objectives of sustainable development.

Article 13

Further Measures

The Contracting Parties may take additional measures to those stated in this Protocol for territorial planning and sustainable development.

Chapter III

Research, Education and Information

Article 14

Research and monitoring

1. The Contracting Parties shall cooperate closely to promote and harmonise research and systematic monitoring programmes for improved knowledge of the interactions between the territory, economy and environment of the Alps, and an analysis of their future developments.
2. The Contracting Parties shall ensure that the national results of the research and systematic observation are integrated in a joint permanent observation and information system and that they are made accessible to the public under the existing institutional framework.

Article 15

Education and information

The Contracting Parties shall promote education and further training as well as keeping the public informed about objectives, measures and the implementation of this Protocol.

Chapter IV

Implementation, Monitoring and Evaluation

Article 16

Implementation

The Contracting Parties undertake to ensure the implementation of this Protocol by taking any appropriate measures within the existing institutional framework.

Article 17

Monitoring of compliance with obligations

1. The Contracting Parties shall regularly report to the Standing Committee on measures taken under this Protocol. The reports shall also cover the effectiveness of the measures taken. The Alpine Conference shall determine the intervals at which the reports must be submitted.
2. The Standing Committee shall examine these reports in order to ensure that the Contracting Parties have fulfilled their obligations under this Protocol. It may also ask for additional information from the Contracting Parties concerned or have recourse to other information sources.
3. The Standing Committee shall draw up a report on the compliance of the Contracting Parties with the obligations arising from the Protocol, for the attention of the Alpine Conference.
4. The Alpine Conference shall take note of this report. If it finds that obligations have not been met, it may adopt recommendations.

Article 18

Evaluation of the effectiveness of the provisions

1. The Contracting Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. They shall consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve objectives.
2. The regional and local authorities shall take part in this evaluation within the institutional framework. Non-governmental organisations active in this field may be consulted.

Chapter V

Final Provisions

Article 19

Links between the Alpine Convention and the Protocol

1. This Protocol constitutes a Protocol to the Alpine Convention within the meaning of Article 2 thereof and any other relevant articles of the Convention.
2. Only Contracting Parties to the Alpine Convention may become a party to this Protocol. Any denunciation of the Alpine Convention also implies denunciation of this Protocol.
3. Where the Alpine Conference discusses matters relating to this Protocol, only the Contracting Parties to this Protocol may take part in the vote.

Article 20

Signature and ratification

1. This Protocol shall be open for signature by the Signatory States of the Alpine Convention and the European Community on 20 December 1994 and from 15 January 1995 in the Republic of Austria as the depositary.
2. This Protocol shall enter into force for the Contracting Parties which have expressed their agreement to be bound by the said Protocol three months after the date on which three States have deposited their instrument of ratification, acceptance or approval.
3. For Parties which express their agreement to be bound by the Protocol at a later date, the Protocol shall enter into force three months after the date of deposit of the instrument of ratification, acceptance or approval. After the entry into force of an amendment to the Protocol, any new Contracting Party to the said Protocol shall become a Contracting Party to the Protocol, as amended.

Article 21

Notifications

The depositary shall, in respect of this Protocol, notify each State referred to in the Preamble and the European Community of:

- a) each signature,
- b) the deposit of each instrument of ratification, acceptance or approval,
- c) each date of entry into force
- d) each declaration made by a Contracting Party or signatory,
- e) each denunciation notified by a Contracting Party, including the date on which it becomes effective.

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

Done at Chambéry on 20 December 1994 in the French, Italian, Slovene and German languages, the four texts being equally authentic, the original text being deposited in the Austrian State Archives. The depositary shall send a certified copy to each of the signatory States.

For the Republic of Austria:

For the French Republic:

For the Federal Republic of Germany:

For the Italian Republic:

For the Principality of Liechtenstein:

For the Principality of Monaco:

For the Republic of Slovenia:

For the Swiss Confederation:

For the European Community: