



INTERNATIONAL  
LAND CONSERVATION  
NETWORK

## Conservation Easements in Europe – can we support member states on an EU level?

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Conservation easements could contribute significantly to the EU Biodiversity Strategy 2030 and be a helpful mechanism for restoring biodiversity in different landscapes. The potential of conservation easements for private land conservation in the EU has been confirmed. However, the legal, political, social and economic context differs quite extensively between European countries. In the LIFE ENPLC-project, Eurosite is currently collecting examples of conservation easements from different EU member states, but what kind of guidance can be provided on an EU level to advance the use of conservation easements in Europe?

The potential of conservation easements for private land conservation in the EU has been confirmed by Racinska and Vahtrus (2018). Their assessment looked at the legislative basis for conservation easements in 25 EU countries and found that in 22 of them, easements (or variations of this mechanism) can be used to dedicate the property to nature conservation purposes in principle. In reality, there are great differences between EU countries, and it is not as straight forward.

Eurosite recently carried out a series of interviews with conservation practitioners from Belgium, Austria, France, Denmark, Lithuania, Poland, Finland and Hungary on the use and potential of conservation easements in their respective countries. We found that the legal, political, social and economic context differs quite extensively between European countries. This explains why conservation easements may be more advanced or have more potential in some EU countries than in others. To illustrate, Slovenia only gained independence in 1991. Before that, citizens could not own larger parcels of land as these would become nationalized. For Slovenia conservation easements could act as useful conservation tool to protect areas with high nature value whilst keeping them in private ownership. But there are still quite some legal barriers that will need to be overcome first. For example, it is currently not possible to add a conservation clause to the state land register in Slovenia. In Poland, ecological consciousness amongst the population was described as low compared to other EU countries. The idea of a conservation easement may therefore not be seen as adding value but rather as an attempt to take away rights from landowners. On the other hand, in Finland willingness of private landowners to engage in voluntary conservation schemes is comparatively high.

These contextual differences explain why EU countries have different levels of experience with conservation easements. In some European countries there are systems in place that resemble US conservation easements: the Flemish 'Nature Management Plans', the Finnish 'METSO programme', the Dutch 'Natuurschoonwet' or the 'French Obligations Réelles Environnementales'. However, between these systems there are great differences in how they are operating and the financial incentives that are

connected to them. For example, the Flemish Nature Management Plans are funded by the Flemish government and pay yearly subsidies to landowners depending on their level of ambition and usually last for 24 years. In France Obligations Réelles Environnementales (ORE) were created in 2016. The law includes the possibility to receive a property tax deduction if an ORE has been signed. However, the responsibility and burden to do so lays with municipalities. Thus far, less than 10 towns in France have currently decided to allow for such a tax incentive. Other countries like Poland, Slovenia and Hungary have no systems in place that would be comparable to a conservation easement.

So, considering such vast differences between EU member states the question arises: what kind of guidance can we provide on an EU level to advance the use of conservation easements in the EU?

Eurosite (LIFE ENPLC) is currently collecting examples of conservation easements from different EU member states. Although they greatly vary in level of detail, they do share key elements, such as listing the restricted use rights, references to laws or complementary management plans and the agreed compensation. Yet some clauses are country specific or only part of some agreements whilst they could potentially add value to other agreements. For instance, a paragraph on exemptions of the agreement or what happens in the case that the property gets sold. It should be noted that there is currently a lack of legal disputes in the EU that would help us judge the fortitude of these agreements. Bringing in experience from outside the EU may compensate for this lack of experience to some degree.

Through comparing these contracts and their elements, Eurosite hopes to create a template that can be used for various types of conservation values in EU countries. As part of the [LIFE ENPLC project](#) this template will be trialed in at least 5 different EU countries, hoping to confirm that indeed the template can be used in several EU countries.

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