

Regulations relating to tourism, field operations and other travel in Svalbard

Section 1 - Purpose

The purpose of these Regulations is to regulate tourism, field operations and other travel in Svalbard within the framework of Norwegian Svalbard policy, particularly in order to:

- a) provide for the safety of tourists and other travellers,
- b) ensure that field operations and travel programmes do not impair the virtually untouched environment of Svalbard with regard to continuous areas of wilderness, landscape, flora, fauna, and cultural heritage,
- c) ensure that field operations and travel programmes take into consideration the general public's experience of Svalbard's wilderness and culture,
- d) ensure compliance with other laws and regulations.

Section 2 - Scope

The Regulations apply to Svalbard's land territory and sea territory to the limit of the territorial waters.

The Ministry of Justice and Public Security may determine that the Regulations shall not apply to particular delimited areas of Svalbard. The Ministry may also issue other special rules for specific geographical areas.

Section 3 - Definitions

The following definitions apply in these Regulations:

- a) Tour operator: anyone who, in return for payment, organises travels with accompanying services, or who transports persons within Svalbard for tourist purposes. Payments made to meet actual expenses without any profit being calculated are also regarded as such payment.
- b) Research and educational institutions: institutes and institutions that are engaged in research and educational programmes, including schools, colleges and universities.
- c) Management Area 10: Nordenskiöld Land, Sabine Land, Bünsow Land and Dickson Land, bounded to the north and east by Kapp Nathorst, Sophus Liefjellet, Terrierfjellet, Hallberget, Elfenbeinbreen, and Kjellstrømdalen. Management Area 10 also includes Isfjorden, Kongsfjorden and Van Mijenfjorden, including brief visits ashore in connection with trips in these sea areas. Also part of Management Area 10 is the land area surrounding Ny-Ålesund bounded by Hornbækbukta, Vegvaktaren, Diademmet, Christiefjellet, and H.U. Sverdrupfjella with the baseline point at the border of the national park.
- d) Intermediary: anyone who offers or sells trips organised by a tour operator.
- e) Individual travellers: any visitors, permanent residents of Svalbard, researchers or other persons who travel outside Management Area 10 and who are not taking part in field operations or travel programmes organised by a tour operator or research and educational institution.
- f) Permanent resident of Svalbard: a person lawfully entered in the population register for Svalbard.

Section 4 - Travel guarantees

The provisions relating to travel guarantees in Act no. 57 of 25 August 1995 relating to Package Tours apply correspondingly for tour operators and intermediaries according to the

definitions in Section 2-2 of the Act relating to Package Tours. Section 11-1, paragraph five of the Act relating to Package Tours shall nevertheless not apply.

Section 5 - Responsibility for the safety and behaviour of participants

Tour operators and research and educational institutions are responsible for ensuring adequate safety for participants at all times. Tour operators and research and educational institutions must also ensure that anyone who works for them or who participates in the activities that the operators and institutions are responsible for, is acquainted with and complies with the rules in these Regulations and the rules stipulated in or pursuant to the Svalbard Environment Act relating to the protection of Svalbard's flora, fauna, cultural heritage, and natural environment in general.

Section 6 - Requirements for tour operators and research and educational institutions

Tour operators and research and educational institutions that bring participants into the field must have sufficient and relevant knowledge, expertise and experience suited to the individual field operations and travel programmes, including:

- a) relevant regulatory framework, including the Svalbard Environment Act with regulations,
- b) safety, including polar bear safety, glaciers, avalanches and sea ice,
- c) first aid,
- d) local conditions, including climatic conditions,
- e) natural environment, cultural heritage and responsible travel,
- f) other factors that are considered necessary for the execution of the field operations or travel programmes.

In certain instances, the Governor can assess whether the tour operator or research and educational institution is suited to executing the planned field operation or travel programme.

Section 7 - Insurance cover for rescue expenses

A tour operator must have sufficient insurance, or provide an equivalent guarantee, to cover expenses of any kind incurred by the authorities or others in connection with search or rescue operations or medical transport which have to be carried out in connection with the tour operator's activities in Svalbard.

The insurance or guarantee must cover such expenses irrespective whether there has been any negligence shown by the tour operator, persons in his service, or tour participants.

The Governor determines the amount of the insurance or guarantee.

Individual travellers must have equivalent insurance or guarantees for trips which are subject to mandatory notification pursuant to Section 8.

The Governor may in particular cases or on general basis grant exemptions from the provisions in this Section.

Section 8 - Notification of field operations or travel programmes

Notification in accordance with this Section shall be submitted to the Governor or a person authorised by the Governor, who issues further provisions governing deadlines and the contents of the notifications.

Tour operators shall give a notification of their planned travel programmes for each summer and winter season, and no later than eight weeks prior to the start of the scheduled travel programme. A new notification must be given in the event of any significant changes to the reported programmes.

Tour operators and research and educational institutions must give notification of their plans to leave people outside of Management Area 10. For transports at sea, notification must be given of the sailing schedule, including any planned visits ashore.

Individual travellers who are not permanent residents or research and educational institutions must give notification of any field operations and travel programmes outside of Management Area 10.

Individual travellers who are permanent residents of Svalbard must give notification of travel plans that involve travel to or within Sør-Spitsbergen, Forlandet and Nordvest-Spitsbergen National Parks and Sørøst-Svalbard and Nordøst-Svalbard Nature Reserves.

The Governor may require notification in cases other than those stipulated in paragraph two to paragraph five of this Section. The Governor may, on a general basis or in individual cases, grant exemptions from the provisions in this Section.

Those parties that are obligated to give notification pursuant to this Section may also be ordered by the Governor to provide notification about the execution of the activity, including statistics reports.

Section 9 - Obligations of persons renting out equipment

Persons renting out travel equipment, including means of transport of any kind, are obligated to ensure that the equipment is in good condition and suitable for the purpose for which it is intended. Persons renting out weapons are obligated to ensure that the person who hires the weapon has sufficient knowledge about using such weapons and is suited to renting weapons.

The Governor may order persons renting out equipment to give notification of the renting out of means of transport of any kind.

Section 10 - Changes to, requirements for or prohibition against field operations or travel programmes

The Governor may require that changes are made to field operations or travel programmes and set specific requirements for the field operations or travel programme, including marketing, means of transport and equipment, if this is necessary in order to ensure that the programme, by itself or together with another activity, is in compliance with the objectives of the Regulations. The same applies for the execution of field operations or travel programmes that are in progress.

The Governor may also set the requirements necessary for ensuring that the field operations or travel programme:

- a) does not entail risk to life or health,
- b) does not harm, pollute, or in any other way impair the natural environment or cultural heritage or result in unnecessary disturbance of people or animal life,
- c) takes into consideration the general public's experience of Svalbard's wilderness and culture,
- d) does not harm or hinder other lawful activities or conflict with other laws and regulations.

The Governor may prohibit a planned field operation or travel programme or stop a programme that is in progress in the event of non-compliance with requirements in these Regulations.

Section 11 - Right to require information and documentation

The Governor may require that tour operators, research and educational institutions and individual travellers provide information and documentation that is necessary for the Governor to perform his/her duties pursuant to these Regulations.

Section 12 - Postponed right to submit notification of field operations or travel programmes

In the event of serious or repeated violations of these Regulations or prohibitions or orders issued in accordance with these Regulations, the Governor may decide that the right to submit notification of field operations or travel programmes pursuant to Section 8 is to be postponed for a specific period of time.

When deciding this, emphasis must be placed on whether, in consideration of the actions of the tour operator or research and educational institution and the circumstances in general, it appears reasonable to postpone the right to submit notification of field operations or travel programmes.

Section 13 - Appeals against decisions by the Governor

Appeals against decisions handed down by the Governor may be lodged with the Ministry of Justice and Public Security pursuant to the rules in the Public Administration Act.

Section 14 - Penalties

Deliberate or negligent violation of these Regulations or of prohibitions or orders issued pursuant to these Regulations is punishable by fines or imprisonment for up to one year. Aiding and abetting is subject to the same penalties.

Section 15 - Entry into force and amendments

These Regulations shall enter into force from 1 January 1992.

The Ministry of Justice and Public Security may amend these Regulations