

Regulations relating to harvesting of the fauna on Svalbard

Laid down by the Ministry of the Environment on 24 June 2002 pursuant to sections 31 and 32 of the Act of 15 June 2001 No. 79 relating to the protection of the environment in Svalbard (Svalbard Environmental Protection Act).

Chapter I. Introductory provisions

§ 1. (purpose)

The fauna shall be managed in such a manner that the natural productivity and diversity of species and their habitats are maintained, and Svalbard's natural wilderness is protected for future generations. Controlled and limited harvesting may take place within this framework.

§ 2. (scope)

These regulations govern the harvesting and collection of eggs and down of species of wild fauna, with the exception of salt-water fish and crustaceans, as well as marine mammals that do not show site fidelity in Svalbard.

Subject to the limitations imposed by international law, these regulations apply to the entire land area of Svalbard and its waters out to the territorial limit.

§ 3. (definitions)

For the purpose of these regulations, the following definitions apply:

- a) *permanent resident*: a person who meets the conditions for their name to be validly entered in Svalbard's population register,
- b) *harvesting*: hunting, trapping and fishing,
- c) *fauna*: single-celled animals, invertebrates and vertebrates that naturally occur in the wild in Svalbard,
- d) *marine mammals*: all species of seals and whales that show site fidelity in Svalbard,
- e) *river systems*: lakes, pools, rivers, tributaries, streams and canals. Fresh-water lagoons are also considered to form part of river systems.

§ 4. (administrative authorities)

The administrative authorities pursuant to these regulations are the Ministry of the Environment, the Directorate for Nature Management and the Governor of Svalbard. For marine mammals, the administrative authorities pursuant to these regulations are the Ministry of Fisheries, the Directorate of Fisheries and the Governor of Svalbard.

Chapter II. General provisions on harvesting and collection of the fauna

§ 5. (the principle of general protection)

All species of fauna, including their eggs, nests and lairs, are protected.

Harvesting and collection of eggs and down is only permitted pursuant to provisions laid down in or pursuant to these regulations. Harvesting must not significantly alter the composition and development of the stocks in question.

§ 6. (humane harvesting and collection techniques)

Harvesting and collection shall be carried out without inflicting unnecessary suffering on the fauna and without putting human life in danger or causing any risk of damage to property.

§ 7. (game species and hunting seasons)

The following species may be hunted between the following dates:

Arctic fox <i>Alopex lagopus</i>	1 November – 15 March
Svalbard reindeer <i>Rangifer tarandus platyrhynchus</i>	20 August – 10 September
Svalbard ptarmigan <i>Lagopus mutus hyperboreus</i>	10 September – 23 December
Pink-footed goose <i>Anser brachyrhynchus</i>	20 August – 31 October
Fulmar <i>Fulmarus glacialis</i>	21 September – 31 October
Brünnich's guillemot <i>Uria lomvia</i>	1 September – 31 October
Black guillemot <i>Cepphus grylle</i>	1 September – 31 October
Glaucous gull <i>Larus hyperboreus</i>	11 August – 31 October
Ringed seal <i>Phocus hispida</i>	20 May – 20 March
Bearded seal <i>Erignathus barbatus</i>	5 June – 25 April

Trapping of Arctic foxes is permitted.

Fishing for Arctic char (*Salvelinus alpinus*) is permitted outside the nature reserves in accordance with the provisions of section 11 and Chapter V.

§ 8. (collection of eggs and down)

The Governor may issue permits for the collection of down from eider ducks (*Somateria mollissima*), barnacle geese (*Branta leucopsis*) and pink-footed geese (*Anser brachyrhynchus*), and the collection of eggs from eider, glaucous gulls (*Larus hyperboreus*) and great black-backed gulls (*L. marinus*).

§ 9. (hunting, trapping and fishing licences)

Harvesting may only be carried out by a person who holds a hunting, trapping or fishing licence. The licence indicates the species to which it applies and any quota limits, and the dates between which and the areas where the person is entitled to hunt, trap or fish. The licence is personal and may not be transferred.

A fee shall be paid for a licence if the Ministry has laid down a schedule of fees, cf. section 35. The Governor is responsible for issuing licences and collecting fees.

A hunting, trapping or fishing licence shall be carried during harvesting activities, and the holder shall produce the licence at the request of the Governor or the instance authorized by the Governor.

§ 10. (quotas and restrictions on hunting areas)

The Governor may by regulations lay down hunting and trapping quotas for individual species and specific areas, and may restrict harvesting in certain areas.

Quotas for Svalbard reindeer shall be set each year.

§ 11. (harvesting reserved for permanent residents)

Only permanent residents in Svalbard may hunt Svalbard reindeer, hunt or trap Arctic foxes and fish for Arctic char, and these activities require special permits from the Governor. A permit may be included as part of a hunting, trapping or fishing licence, cf. section 9. A permit shall apply to a specific area and within specific dates. A permit is personal and may not be transferred. The Governor may lay down conditions in individual permits, including the quantity that may be harvested and the techniques or equipment that may be used.

Hunting permits for Svalbard reindeer are to be allocated pursuant to the provisions of Chapter VIII.

§ 12. (*duty to report*)

Any person that is engaged in hunting or egg collection in Svalbard has a duty to report the results of these activities to the Governor not more than 10 days after the end of the period for which the hunting, trapping or fishing licence or permit is valid.

§ 13. (*data for research and management purposes*)

In order to obtain data for research and management purposes, the Governor may order any person that is engaged in hunting or collection to provide information on the catch or harvest. The Governor may issue orders that part or all of the catch or harvest is to be surrendered for scientific purposes. Depending on the extent of the orders, the Governor may decide whether compensation is to be provided.

Chapter III. Special conditions for hunting and trapping

§ 14. (*age limit for hunting and trapping*)

Any person who engages in hunting and trapping activities must be at least 16 years of age. For hunting Svalbard reindeer and marine mammals, the lower age limit is 18 years.

A person who has reached 14 years of age may for training purposes take part in hunting for Arctic foxes and game birds and in trapping, provided that he or she:

- a) has the permission of a parent or guardian, and
- b) is properly supervised by a hunter who is at least 20 years of age. The supervisor must have been engaged in hunting and trapping activities for at least three seasons.

A person who has reached 16 years of age may take part in hunting for Svalbard reindeer and marine mammals for training purposes provided that the conditions set out in the second paragraph, litra a and b, are satisfied.

§ 15. (*requirement to pass a hunting proficiency test*)

Any person who has reached 16 years of age and is not registered in the Norwegian Register of Hunters shall before taking part in hunting or trapping activities pass a hunting proficiency test in accordance with these regulations.

Persons who are permanently resident abroad need not take the hunting proficiency test if they can document that they satisfy the conditions for taking part in similar types of hunting in the country where they are resident.

§ 16. (*requirement to pass a shooting proficiency test*)

No person may take part in hunting for Svalbard reindeer or marine mammals without having passed a shooting proficiency test. The shooting proficiency test is valid for one year after it has been passed. A hunter may only hunt Svalbard reindeer and marine mammals with the weapon or weapons used during the test.

Persons who are permanently resident abroad need not take the shooting proficiency test if they can document that they satisfy the conditions for taking part in large game hunting in the country where they are resident.

Chapter IV. Further provisions relating to the hunting and shooting proficiency tests

§ 17. (*age limit for the hunting proficiency test*)

The hunting proficiency test may be taken from the day a person reaches the age of 14 years.

Persons under the age of 16 do not need to take the hunting proficiency test to take part in hunting and trapping activities for training purposes pursuant to section 14, second paragraph.

The Governor may on application permit persons over the age of 16 years to postpone taking the obligatory course for the hunting proficiency test for up to one year.

§ 18. *(administration of the hunting proficiency test, fees and course fees)*

The hunting proficiency test consists of an obligatory course and a written examination. The Directorate for Nature Management will decide who is to arrange the obligatory courses and written examinations.

The obligatory course shall comply with arrangements approved by the Directorate for Nature Management. The course shall last for a total of 30 hours. The obligatory teaching shall be split between nine days. Persons under 18 years of age must be granted exemptions pursuant to section 29 of the Firearms Act or have the permission of the person or persons who have parental responsibility to take part in the practical part of the course.

A person who wishes to take the hunting proficiency test shall pay a fee for the written examination if the Ministry has laid down a schedule of fees, cf. section 35. A person who does not pass the written examination may retake the hunting proficiency test once without paying an extra fee. The organizer may charge a fee for the obligatory course, such that the costs incurred in holding the course are covered.

§ 19. *(hunting certificate)*

The Governor will issue a hunting proficiency certificate to any person who has completed the obligatory course and passed the written examination, and send a report to this effect to the Norwegian Register of Hunters.

The proficiency certificate is valid for an unlimited period. A person who loses the right to engage in hunting and trapping through a legally enforceable judgment must take a new hunting proficiency test to be registered as a hunter.

§ 20. *(arrangements for the shooting proficiency test)*

The candidate shall fire 30 obligatory shots at a target of his choice. After this, five shots shall be shots at an animal figure approved by the Directorate with each of the rifles that are to be used during hunting, with the type of ammunition permitted for hunting Svalbard reindeer and marine mammals. All the shots at the animal figure must land within the specified target area.

The Governor is responsible for arranging for shooting tests to be held in Svalbard. The Governor will lay down further rules for how the tests are to be carried out, and may delegate the organization of the test to clubs/associations/persons who are considered to be qualified for the purpose. The organizer must fill out certificates on the standard form laid down by the Directorate after the shooting test has been taken and passed in accordance with these regulations.

Chapter V. Fishing

§ 21. *(prohibition against the use of live bait)*

It is not permitted to use live bait during fishing activities.

§ 22. *(disinfection of fishing gear)*

It is prohibited to use fishing gear and other fishing equipment that has been used outside Svalbard unless such fishing gear or equipment is disinfected before use.

§ 23. *(fishing with gill nets)*

In the period 20 June to 10 August inclusive, it is not permitted to fish for Arctic char using gill nets. The Governor may by regulations introduce further restrictions on the fishery.

In river systems, it is only permitted to fish with gill nets in lakes, but not less than 100 m from the inlet or outlet of the lake. In the sea, fishing with gill nets is not permitted closer to the mouth of a river (boundary between the river and the sea) than 100 m. The Governor may by regulations prohibit or introduce special restrictions on all fishing in a zone up to 1 km from a river mouth (boundary between the river and the sea).

The size of each gill net that is used must not exceed 25 m by 1.5 m. Nets shall be marked by a buoy carrying the owner's name and address. It is not permitted to set gill nets in strings. In the sea and in river systems where anadromous Arctic char may occur, the minimum permitted mesh size is 52 mm.

Chapter VI. Hunting

§ 24. *(prohibition against artificial light)*

It is prohibited to use artificial light for the purpose of hunting.

§ 25. *(prohibition against the use of motor vehicles and aircraft)*

During hunting, it is prohibited:

- a) to use aircraft or motor vehicles to localize or pursue fauna or to distract an animal's attention from the hunter,
- b) to fire shots from aircraft or motor vehicles.

§ 26. *(restrictions on the use of motor boats)*

The Governor may by regulations introduce prohibitions or restrictions on the use of motor boats for hunting particular species, in specified areas and/or during periods of time.

§ 27. *(general requirements relating to firearms and ammunition)*

Only firearms that use a powder charge may be used to kill species of fauna during hunting.

The use of spring-guns to kill species of fauna is prohibited.

The use of a shotgun designed to fire more than two rounds or a fully automatic rifle for hunting is prohibited. If a semi-automatic rifle is used, only two rounds are permitted in the magazine and one in the chamber. It is not permitted to use slugs for shotguns.

§ 28. *(requirements relating to firearms and ammunition for individual species)*

Game birds and Arctic fox

Both shotguns and rifles may be used for hunting game birds and Arctic foxes.

The minimum calibre of the ammunition used to hunt glaucous gulls and Svalbard ptarmigan must be 22 LR hollow-point. When hunting pink-footed geese and Arctic foxes using a rifle, the impact energy of the ammunition used must be at least 294 Joules (30 kg/m) at a range of 100 metres.

Svalbard reindeer and marine mammals

For hunting Svalbard reindeer and marine mammals, only rifles and hunting ammunition with expanding projectiles shall be used.

For ammunition with a bullet weight of between 9 and 10 grams, the impact energy must be at least 2700 Joules (275 kg/m) at a range of 100 metres.

For ammunition with a bullet weight of 10 grams or more, the impact energy must be at least 2200 Joules (225 kg/m) at a range of 100 metres.

Chapter VII. Trapping

§ 29. (registration of trappers)

Any person intending to engage in trapping must before starting these activities register with the Governor and provide information on the type of trapping, its extent and the area where it is to be carried out.

§ 30. (permitted traps)

Arctic foxes may only be trapped using body-gripping traps and dead-fall traps. The Governor may permit the use of other trapping equipment and may lay down further rules for the use of such equipment.

Traps shall function in such a way and with such force that foxes are killed immediately.

The Governor may lay down special requirements for specifications for traps before they are taken into use.

§ 31. (use of trapping equipment)

Any person engaged in trapping has a duty to organize these activities so that no other species than Arctic fox can be caught. Trapping equipment shall not be placed in areas where general public access will entail a risk to people and domestic animals.

Equipment shall be marked with the user's name, address and if applicable, telephone number. As far as possible, the traps shall be inspected every week.

Chapter VIII. Permits to hunt Svalbard reindeer

§ 32. (allocation of hunting permits)

Applications for hunting permits for Svalbard reindeer shall be sent to the Governor on a special form. If the number of applications exceeds the overall quota that has been fixed, the Governor will determine how the annual allocation of permits is to take place to ensure that permits are allocated fairly among those entitled to apply. The Governor will lay down further rules on application deadlines and how permits are to be collected.

§ 33. (hunting permits)

A hunting permit applies to a specified area, and will be issued for one of the following categories of animals: calves (up to six months), females/young males (female/male up to 18 months), or unspecified. Calves may be shot instead of older animals.

The permit shall be accompanied by a control card for each of the animals the hunter may kill. The text will be drawn up by the Governor, and the hunter is required to follow the printed instructions for the use of the card. As soon as the hunter has shot an animal, the control tag shall be cut off the card and attached to the animal's neck.

Chapter IX. Final provisions

§ 34. (penal measures)

Any person that wilfully or negligently contravenes provisions laid down in or pursuant to these regulations is liable to fines or to a term of imprisonment not exceeding one year. If substantial environmental damage or a risk of such damage has been caused or if there are especially aggravating circumstances, a term of imprisonment not exceeding three years may be imposed.

An accomplice is liable to the same penalties.

§ 35 . *(fees)*

The Ministry may lay down a schedule of fees for hunting, trapping and fishing licences, for the allocation of hunting permits for Svalbard reindeer and for the written examination taken as part of the hunting proficiency test.

§ 36. *(appeals)*

Individual decisions made pursuant to these regulations may be appealed in accordance with the provisions of the Public Administration Act. The appeal should be addressed to the body that made the decision.

§ 37. *(entry into force)*

These regulations enter into force on 1 July 2002.