

Regulations relating to tourism and other travel in Svalbard

Issued by Royal Decree of 18 October 1991, with authority in the first paragraph of §4 of Act no. 11 of 17 July 1925 relating to Svalbard, and §24 of Act no. 72 of 12 June 1981 relating to Travel Agencies etc. Amended by the Ministry of Justice's decisions of 6 April 1993, 2 July 1997 and 24 July 2002, cf. §12.

§1 – Purpose

The purpose of the present Regulations is to regulate tourism and other travel on Svalbard, particularly in order to

- provide for the safety of tourists and other travellers,
- *ensure that the travel plan does not impair the virtually untouched environment of Svalbard as regards continuous wilderness, features of the landscape, flora, fauna, and cultural remains,*
- *ensure that the travel plan maintains opportunities for the general public to experience the wilderness and takes into account the interests of the local community,*
- ensure compliance with other laws and regulations.

§2 - Extent

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

The Ministry of Justice may determine that the Regulations shall not apply to particular delimited areas of Svalbard. The Ministry may also lay down other special rules applicable to particular geographical areas.

§3 - Definitions

For the purposes of the present Regulations,

Tour operator means anyone who for payment organizes journeys with appurtenant services, including transportation and accommodation. Payments to meet actual expenses and where no profit is calculated are also regarded as payment.

Middleman means anyone who offers or sells journeys organized by a tour operator.

Individual travellers means visiting tourists, persons permanently resident on Svalbard, scientists and other persons who travel outside settled areas and who are not taking part in journeys organized by a tour operator. Persons carrying out official duties in Svalbard are not regarded as individual travellers.

Permanent resident on Svalbard means a person lawfully entered in the population register for Svalbard.

Tourist carrier means anyone who for the purposes of tourism transports persons in Svalbard.

§4 - Travel guarantees

The provisions relating to travel guarantees in Act no. 57 of 25 August 1995 relating to Package Tours apply correspondingly to tour operators and middlemen according to the definitions in §2-2 of the Act relating to Package Tours. The fourth paragraph of §11-1 of the Act relating to Package Tours shall nevertheless not apply.

§5 - Responsibility of tour operators and tourist Carriers for the safety and behaviour of participants

Tour operators and tourist carriers are responsible for the safety of participants and must ensure that participants are acquainted with and comply with relevant laws and other provisions, especially the provisions aimed at protecting Svalbard's flora, fauna, historical remains, and natural environment in general.

§6 - Insurance cover for rescue expenses

A tour operator must have sufficient insurance, or as the case may be put up equivalent guarantees, to cover any expenses incurred by the authorities or others in connection with search or rescue operations or the conveyance of patients which have to be carried out in connection with his business in Svalbard.

The insurance or guarantee must cover such expenses irrespective of any negligence which may have been shown by the tour operator, persons in his employment, or tour participants.

The Governor determines the amount of the insurance or guarantee.

Individual travellers must have corresponding insurance or guarantees in respect of journeys which are subject to mandatory notification in pursuance of §7.

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

§7 - Notification of travel plans

Notification according to this Section shall be submitted to the Governor or a person authorised by the Governor, who issues more detailed provisions governing deadlines and the contents of the notifications.

Tour operators shall give notice of their tour plans for each summer and winter season, ***and at the latest one month before the plan is advertised.*** New notice must be given of any significant changes in the plans thus notified.

Tourist carriers shall give notice of plans to drop persons outside settled areas. For sea journeys notice shall be given of the sailing schedule, including any planned visits ashore.

Individual travellers who are not permanently resident shall give notice of any plans involving travel beyond permanent settlements. The mandatory notification shall nevertheless not apply to

- a) visits ashore on Nordenskiöld Land, Dickson Land, Bünsow Land and Sabine Land, bounded to the north and east by ***Cape Nathorst - Sophus Lie Mountain - Terrier Mountain - Hallberget - Elfenbensbreen***, Kjellstrømdalen, and trips on frozen parts of Isfjord, Kongsfjord and Van Mijenfjord made in connection with journeys in the above-mentioned areas,
- b) motorboat or sailboat trips on Isfjord, Kongsfjord and Van Mijenfjord, and brief visits ashore in connection with journeys in this area
- c) journeys on land within a radius of 20 kilometres from Ny-Ålesund.

Individual travellers who are permanently resident on Svalbard shall give notice of planned journeys involving travel to or within national parks or nature reserves.

The Governor may require notification in other cases than those which follow from the second to fifth paragraphs of this Section. ***The Governor may on a general basis or in particular cases grant exemptions from the provisions in this Section.***

Those obliged to give notice in pursuance of this Section may be ordered by the Governor also to report on the journey implementation.

§ 8 - Obligations of persons hiring out equipment

Persons hiring out travel equipment, including means of transport of any kind, are obliged to ensure that the equipment is in good condition and suitable for the purpose for which it is intended.

The Governor may order persons who hire out equipment to submit notification of the hiring out of means of transport of any kind.

§ 9 - Requirements for or prohibitions of travel plans etc.

The Governor may order changes in travel plans and impose specific requirements on ***existing travel plans, including on their marketing***, means of transport and equipment, ***if this is necessary in order to ensure that the travel plan as such or together with other activity accords with the purposes of the Tourism Regulations. The same applies to the completion of a travel plan which is in progress.***

The Governor may in this connection lay down requirements necessary to ensure that the travel plan

- ***does not entail danger to life and limb,***
- ***does not harm, litter, or in any other way impair the natural environment or cultural remains or lead to unnecessary disturbance of people or animal life,***
- ***has regard for how the general public experiences Svalbard's wilderness and local culture,***
- ***does not harm or hinder other lawful activities or conflict with other laws and regulations.***

The Governor may require a tour operator to document sufficient and relevant knowledge of local conditions.

In cases in which requirements pursuant to the present Section have not been met, the Governor may prohibit a travel plan or the continuation of a travel plan which is in progress.

The Governor may also prohibit a travel plan or the continuation of a travel plan which is in progress if requirements in or pursuant to other provisions in the Tourism Regulations have not been met.

§10 - Appeals against decisions by the Governor

Appeals against decisions taken by the Governor may be lodged with the Ministry of Justice according to the rules in the Public Administration Act.

§11 - Penalties

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

§12 - Entry into force and amendment

These Regulations enter into force on 1 January 1992.
The Ministry of Justice may amend these Regulations.