

# **Act of 15 June 2001 No.79 relating to the protection of the environment in Svalbard**

**The Ministry of the Environment**

## **Chapter I. Introductory provisions**

### **§ 1 (purpose of the Act)**

The purpose of this Act is to preserve a virtually untouched environment in Svalbard with respect to continuous areas of wilderness, landscape elements, flora, fauna and cultural heritage.

Within this framework, the Act allows for environmentally sound settlement, research and commercial activities.

### **§ 2 (scope)**

Subject to the limitations imposed by international law, this Act applies to the entire land area of Svalbard and its waters out to the territorial limit.

### **§ 3 (definitions)**

For the purpose of this Act, the following definitions apply:

- a. pollution: the introduction of solid matter, liquids or gases to air, water or ground; noise and vibrations; as well as light and other radiation as decided by the Governor of Svalbard, where such factors may cause damage or nuisance to the environment;
- b. waste: discarded articles of personal property or substances. Surplus objects and substances from service industries, manufacturing industries and treatment plants, etc., are also considered to be waste, but not waste water or exhaust gases;
- c. harvesting: hunting, trapping and fishing;
- d. flora: photosynthesising single-celled organisms, algae, lichens, fungi, mosses, ferns and vascular plants that naturally occur in the wild in Svalbard;
- e. fauna: single-celled animals, invertebrates and vertebrates that naturally occur in the wild in Svalbard;
- f. cultural heritage: traces of past human activity, including structures and sites of all kinds, on or below the surface of the land, in the sea, on the seabed and in watercourses;
- g. structures and sites: any element of the cultural heritage that is physically attached to the ground or associated with a specific locality;

- h. movable historical objects: any element of the cultural heritage that is not defined as a structure or site;
- i. permanent resident: a person whose name is validly entered in Svalbard's population register;
- j. visitor: any person other than a permanent resident;
- k. motor vehicle: engine-powered mode of transport, for use on or off roads;
- l. motorized craft: aircraft, hovercraft, ships, boats and other craft propelled by engine power;
- m. motor traffic: the use of motor vehicles or motorized craft;
- n. activity: single-instance, recurring or continuous undertaking of a commercial or non-commercial nature;
- o. head of undertaking: a person that directs an undertaking, or on whose account or in whose interest it is being operated.

## **§ 4 (The environmental protection authorities for Svalbard)**

The environmental protection authorities for Svalbard are:

- a. the King
- b. the ministry
- c. such directorate as is decided by the ministry
- d. the Governor of Svalbard.

The authority given to a subordinate body under this Act may be exercised by a superior environmental protection authority in circumstances where this is considered necessary.

## **Chapter II. Duty of care and principles regarding the exercise of authority**

### **§ 5 (duty of care and duty to provide information)**

Any person who is staying in or operates an undertaking in Svalbard shall show due consideration and exercise the caution required to avoid unnecessary damage or disturbance to the natural environment or cultural heritage.

A head of undertaking shall ensure that every person who carries out work or takes part in the activities for which an undertaking is responsible is aware of the provisions set out in or pursuant to this Act regarding the protection of Svalbard's flora, fauna, cultural heritage and the natural environment otherwise.

## **§ 6 (principles regarding the exercise of authority under this Act)**

The guidelines set out in sections 7 to 10 shall form the basis for the exercise of authority under this Act. In particular, the authorities shall ensure that the exercise of authority pursuant to this Act and its individual provisions, when seen as a whole, is in accordance with these guidelines.

## **§ 7 (The precautionary principle)**

When an administrative body lacks adequate information on the effects that an undertaking may have on the natural environment or cultural heritage, its authority under this Act shall be exercised in a manner designed to avoid possible damage to the environment.

## **§ 8 (overall environmental pressure)**

Any activity that is started in Svalbard shall be assessed on the basis of the overall pressure on the natural environment and cultural heritage that would result.

## **§ 9 (the person responsible for pressure on the environment shall pay)**

The cost of preventing or limiting damage to the environment or cultural heritage shall be covered by the person that is or would be the cause of such damage. Likewise, the cost of preventing or limiting pollution and waste problems shall be covered by the person who is or would be the cause of such problems.

## **§ 10 (environmentally sound technology and factor inputs)**

Activities in Svalbard shall make use of the technology that puts the least possible pressure on the environment unless important economic considerations regarding an already existing activity indicate that a different technology should be used, and this is justifiable on the basis of an overall environmental assessment.

In activities in Svalbard, chemical and biotechnological products that may cause damage or nuisance to the environment shall be replaced with products that on the basis of an overall environmental assessment pose less risk to the environment, unless otherwise indicated on the basis of important economic considerations regarding an already existing activity.

# Chapter III. Protected areas

## § 11 (fundamental principle)

There shall be protected areas in Svalbard that

- a. include the full variation range of habitats and landscape types,
- b. help to maintain areas of special conservation or historical value,
- c. protect ecosystems on land and in the sea,
- d. contribute to the maintenance of wilderness and untouched nature.

## § 12 (regulations regarding protected areas)

Individual protected areas will be prescribed by the King, cf. sections 16 to 19, by regulations.

The regulations shall indicate the boundaries of the protected area and its purpose, and include provisions governing the use of the area. The King may in the regulations prohibit or regulate any activity and access or passage that, on its own or in combination with other types of use, is liable to undermine the objectives of such protection.

## § 13 (administrative procedures)

At an early stage in the preparation of regulations pursuant to section 12 regarding the establishment or extension of a protected area or the repeal of its status, or regarding significant amendments to the protection provisions for a protected area, the Governor shall ensure cooperation with public authorities and organizations etc. that have a special interest in the decision. The Governor shall publish a notice in at least one newspaper with a wide circulation in Svalbard giving an account of the planned protection measures. Landowners and holders of rights shall as far as possible be informed in writing and given a reasonable time limit for expressing an opinion before the proposal for protection measures is drawn up. During the preparation of such proposals, the consequences for relevant activities in the area shall be clarified.

The draft regulations are to be circulated for comment in accordance with the provisions of section 37 of the Public Administration Act. Notification to landowners and holders of rights is governed by the provisions of section 16 of the Public Administration Act. The proposal shall be published in the Norwegian Gazette (*Norsk lysingsblad*) and at least one newspaper with a wide circulation in Svalbard and shall be deposited for public inspection in at least one easily accessible place. The time limit for comment shall be at least two months.

## § 14 (interim protection)

In order to prevent damage to valuable areas of natural environment, the Ministry may decide to grant interim protection pending a final decision on the matter. The provisions of section 13 do not apply to such a decision. The decision may be appealed pursuant to the provisions of the Public Administration Act by a party who has the right of appeal.

## **§ 15 (publication of protection decisions)**

Decisions pursuant to sections 12 and 14 shall be published in accordance with the provisions of section 38 of the Public Administration Act and in at least one newspaper with a wide circulation in Svalbard. Owners and holders of rights to land that would fall within the protected area shall be informed in accordance with the provisions of section 27 of the Public Administration Act.

## **§ 16 (national parks)**

Large untouched or mainly untouched areas of natural habitat may be protected as national parks if they may be valuable for research purposes or for opportunities to experience Svalbard's natural and cultural heritage.

No activity that has a lasting effect on the natural environment or cultural heritage is permitted in a national park. The landscape and if applicable the seabed with plants, animal life and geological formations shall be protected against development, construction, pollution and other activities, including access and passage, that may affect or disturb the natural environment.

## **§ 17 (nature reserves)**

Untouched areas or largely untouched areas may be protected as nature reserves if they:

- a. contain distinctive or vulnerable ecosystems,
- b. comprise a special type of habitat or special geological formations,
- c. are otherwise of special importance for the flora and fauna, or
- d. are of special scientific interest.

A nature reserve may be given absolute protection. The regulations may contain provisions regarding the protection of the cultural heritage in the reserve.

## **§ 18 (protected biotopes and geotopes)**

Areas of particular importance to the flora or fauna or that contain important or distinctive geological formations may be given protected status as biotopes or geotopes.

In such areas, activities that may affect or disturb the flora or fauna or damage geological formations contrary to the purpose of the protection measure shall be avoided. The

regulations may contain provisions regarding the protection of the cultural heritage in the protected area.

## **§ 19 (cultural environments)**

Areas of particular value in terms of cultural history may be protected as cultural environments. In cultural environments, activities that may reduce the historical value of the area shall be avoided.

## **§ 20 (international status for protected areas)**

The King may by regulations grant a protected area special status under an international convention on the protection of the natural environment or cultural heritage. The effect of this status under the convention in question shall also apply as Norwegian law.

## **§ 21 (Management of protected areas)**

In protected areas established pursuant to this chapter, the Governor may carry out any management considered necessary for the objective of the protection measure and make arrangements to give people access and enable them to experience the natural environment and cultural heritage within the framework of the objectives of the protection measure.

If management measures or arrangements for access affect private property or rights in protected areas, the owner of such property or holder of rights must as far as possible be notified in advance.

## **§ 22 (exemption from protection decisions)**

When scientific or other special reasons so indicate, the environmental protection authorities may grant exemptions from a protection decision provided that this does not conflict with the objectives of the protection decision and will not have a significant impact on the conservation value of the area.

In an exemption granted pursuant to the first paragraph, the grounds for the decision shall include an account of how the environmental protection authorities have evaluated the impact that the exemption may have on the environment and the weight that has been attached to this.

# **Chapter IV. Flora and fauna**

## **i. Scope**

## **§ 23 (Scope of this chapter)**

The provisions of this chapter apply to all species of flora and fauna on land and in the sea, with the exception of salt-water fish and crustaceans, as well as marine mammals that do not show site fidelity in Svalbard.

## **ii. General principles and provisions**

### **§24 (Fundamental principle)**

The flora and fauna on land and in the sea 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.

### **§ 25 (the principle of general protection)**

All species of flora and fauna, including their eggs, nests and lairs, are protected unless otherwise provided by this Act.

### **§ 26 (import of flora or fauna etc.)**

The import of live specimens of wild flora and fauna that are established or that can become established in the wild in Svalbard may only take place in accordance with a permit issued by the ministry or under regulations prescribed pursuant to the second paragraph. This provision also applies to the roe and eggs of such species.

The King may issue regulations governing imports pursuant to the first paragraph and governing the export of living and dead specimens of all species of flora and fauna and relating to products thereof.

### **§ 27 (introduction and transport of organisms etc.)**

Without the permission of the environmental protection authorities, no person may

- a. introduce species of flora or fauna that do not already occur naturally in Svalbard,
- b. transport indigenous species of flora or fauna from one area to another in Svalbard, or
- c. initiate stock enhancement measures for Arctic char, including releasing fish, fry or live eggs in watercourses, fjords or the sea, or releasing other living organisms in watercourses.

### **iii. Flora**

#### **§ 28 (what protection of the flora involves)**

No person may damage or remove flora.

Damage resulting from lawful access and passage or approved activities is excepted from the provision of the first paragraph.

#### **§ 29 (collection for scientific or private use)**

The collection of fungi and seaweed for private use is permitted. The collection of flora for research or teaching purposes is permitted where this does not make significant inroads into the local populations of the flora involved.

### **iv. Fauna**

#### **§30 (what protection of the fauna involves)**

No person may hunt, capture, injure or kill fauna or damage eggs, nests or lairs unless so authorized by the provisions of this chapter.

Damage to or killing of single-celled animals and invertebrates as a result of lawful access or passage or approved activities, and bycatches taken during lawful fishing operations, are excepted from the provision of the first paragraph.

No person may use ship sirens, fire shots or produce other loud noises less than one nautical mile from a seabird colony during the period 1 April to 31 August.

It is prohibited to lure, pursue or otherwise seek out polar bears in such a way as to disturb them or expose either bears or humans to danger.

No person may subject fauna to anaesthetic or immobilizing agents without the permission of the Governor.

The use of poison or chemicals for the purpose of killing is prohibited. The Governor may in special cases grant exemptions from this prohibition.

#### **§ 31 (general provisions relating to harvesting)**

Harvesting and collection of eggs and down is only permitted for those species prescribed by the Ministry in regulations.



Harvesting of a particular species is only permitted in the time period and to the extent prescribed by the directorate in regulations. The period when harvesting is permitted shall not be during the breeding or nesting season of a species. The Governor may nevertheless grant permission for egg and down collection.

Harvesting shall be carried out without inflicting unnecessary suffering on game species and without putting human life in danger or causing any risk of damage to property. The directorate will issue regulations relating to hunting, trapping and fresh-water fishing, including harvesting methods and equipment.

When decisions are made pursuant to this section, due consideration shall be given to ensuring that harvesting does not significantly alter the composition and development of the stocks in question.

## **§ 32 (the right to harvest fauna)**

Any person has the right to harvest fauna and to collect eggs and down in accordance with the provisions laid down in and pursuant to section 31, unless otherwise determined by this section or section 26 of the Act relating to Svalbard.

Harvesting may only be carried out by a person who holds a licence (hunting licence, fishing licence). No person may be issued with a hunting licence before reaching the age of 16 years. The ministry may issue further regulations regarding licences and fees payable for licences and for each animal killed, regarding training and tests as conditions for being issued with a hunting licence, regarding the right to participate in hunting and trapping for training purposes and regarding other conditions for harvesting.

The ministry may for particular species issue regulations to the effect that they may only be harvested by permanent residents or with the permission of the Governor. Within the framework of regulations laid down pursuant to sections 31 and 32, the Governor may further regulate harvesting locally by regulations. A permit may state conditions, including the areas or time period to which the permit applies, the quantity that may be harvested and the types of harvesting methods or gear that may be employed.

The Governor may grant wildlife trappers who overwinter in trappers' cabins the exclusive right to harvest within a defined area and time period. Before such exclusive rights are granted, the Governor shall publicly announce that applications for the grant of exclusive rights may be made within a given time limit. Decisions granting exclusive rights shall indicate the species that are covered by such rights. Conditions may be attached to such rights, including conditions relating to inspection and control tasks, cf. Chapter VIII, and to training. The Governor may prescribe regulations regarding the allocation of trapping areas with exclusive harvesting rights.

## **§ 33 (the right to kill to protect people or property)**

Animals may be killed in circumstances where this is considered necessary to eliminate an immediate risk of injury to persons or prevent substantial material damage. Killing or an attempt to kill shall be reported to the Governor as soon as possible.

Invertebrates and single-celled organisms that cause damage or nuisance, as well as small rodents, may be killed. The prohibition of the last paragraph of section 30 does not apply to the killing of small rodents.

### **§ 34 (special permits to kill animals)**

The Governor may issue permits to kill animals that remain near permanent or temporary settlements, and that represent a risk of injury to people or significant material damage. Animals may only be killed in accordance with such permits if a reasonable effort has been made to use other measures to prevent injury or damage.

### **§ 35 (dogs)**

In areas that are open for general access and passage, dogs must be controlled in an appropriate manner when not on a leash. The Governor or the instance so authorized by the ministry may prescribe regulations requiring dogs to be kept on a leash.

### **§ 36 (Taxidermy, etc.)**

The Ministry may prescribe regulations relating to taxidermy and to taxidermists and their activities.

### **§ 37 (exemptions)**

Even if permission may not be granted for a particular undertaking pursuant to this chapter, the Governor may grant exemptions from the provisions of this chapter for scientific purposes or when other special reasons so indicate.

## **Chapter V. The cultural heritage**

### **§ 38 (fundamental principle)**

Structures and sites and movable historical objects in Svalbard shall be protected and safeguarded as a part of Svalbard's cultural heritage and identity and as an element of a coherent system of environmental management.

### **§ 39 (protected elements of the cultural heritage)**

The following are protected:

- a. structures and sites dating from 1945 or earlier;
- b. movable historical objects dating from 1945 or earlier that come to light by chance or through investigations, excavation or in any other way;
- c. elements of the cultural heritage dating from after 1945 that are of particular historical or cultural value and that are protected by a decision of the directorate.

Evidence of human graves of all kinds, including crosses and other grave markings as well as bones and bone fragments found on or below the surface of the ground and skeletal remains at slaughtering sites for walruses and whales, and associated with spring-guns for polar bears, are considered to be structures and sites and are protected irrespective of their age.

Around automatically protected structures and sites such as are mentioned in the first paragraph, litra a, or in the second paragraph, a security zone shall extend for 100 metres in all directions from the visible or known perimeter, unless the Governor prescribes that it shall be delimited differently.

In cases of doubt, the directorate will determine what is a protected structure or site or movable historical object, and it may rescind the protection of specified elements of the cultural heritage.

## **§ 40 (decisions on temporary protection)**

When special reasons so indicate, the Governor may decide to grant temporary protection to structures and sites or movable historical objects such as are mentioned in section 39, first paragraph, litra c, until such time as the question of protection has been finally decided.

## **§ 41 (administrative procedure for protection decisions)**

Decisions pursuant to sections 39 and 40 are individual decisions under the Public Administration Act. Such decisions shall be registered judicially and announced as the Governor considers appropriate.

## **§ 42 (the substance of protection)**

No person may damage, dig up, move, remove, alter, cover up, conceal or disfigure protected structures and sites or movable historical objects, including any security zone, or initiate measures that may entail a risk of this happening.

In the security zone it is not permitted to erect tents, light fires or undertake similar activities.

The Governor may regulate or prohibit access and passage within the security zone if this in itself or over a period of time could undermine the purposes of protection.

### **§ 43 (ownership rights to protected movable historical objects)**

Protected movable historical objects are State property when it is clear that there is no reasonable possibility of establishing ownership or tracing the owner. The directorate may hand over all or part of a find to the finder.

### **§ 44 (special duty of a head of undertaking to protect the cultural heritage)**

When an undertaking is being planned, the head of undertaking shall at his own expense investigate whether the undertaking will affect structures and sites in one of the ways mentioned in section 42. If it is found that the undertaking will affect structures and sites, sections 57 and 58 will apply. The directorate will decide as soon as possible whether the undertaking may be carried out, and if so in what way.

If it only becomes apparent after work has begun that it may affect protected structures and sites in contravention of section 42, the Governor shall be notified pursuant to section 62, second paragraph, and the work halted. The directorate will decide as soon as possible whether the work may proceed and if so under what conditions.

Finds that are made during investigations or excavation or during an undertaking shall be documented and conserved at the expense of the head of undertaking unless otherwise decided pursuant to section 98. Finds shall be delivered within one year unless this time limit is extended by the Governor.

### **§ 45 (investigation, management and maintenance)**

The directorate has the right to search for, excavate, examine and document protected elements of the cultural heritage. After such measures have been completed, structures and sites shall be restored to their previous condition unless otherwise determined by the directorate. The Governor may raise movable historical objects and take the necessary steps to preserve them.

The Governor may put in order or enclose protected structures and sites or take steps to look after and display them, including clearing the surrounding area, for example to avoid injury to humans and animals. Such measures may also be implemented in the security zone. Measures over and above ordinary maintenance, such as restoration, rebuilding or removal, require approval by the directorate.

Before measures are taken in respect of structures and sites, the owner or holder of rights shall be notified and given the opportunity to express an opinion pursuant to the provisions of section 16 of the Public Administration Act. Measures relating to structures and sites that are in use may only be implemented with the consent of the owner or user unless they are necessary in order to prevent decay.

If there is a danger of decay, the directorate may order the owner or user to carry out measures to counteract this.

## **§ 46 (export and return of movable historical objects)**

No person may export from Svalbard protected movable historical objects that were found in or originate in Svalbard.

The prohibition of the first paragraph does not apply when it has been decided in or pursuant to regulations that finds shall be permanently or temporarily stored outside Svalbard.

In special cases, the directorate may issue permits for export.

The provisions of sections 23a – 23f of the Act of 9 June 1978 No. 50 concerning the Cultural Heritage, in so far as they relate to the return of unlawfully exported cultural objects, shall apply to Svalbard to the extent that they are appropriate.

# **Chapter VI. Land-use planning areas**

## **§ 47 (the scope and purpose of the chapter)**

The provisions of this chapter apply to the areas prescribed by the King in regulations (land-use planning areas).

Planning pursuant to this chapter shall facilitate coordination of the various interests relating to land use and the design of buildings in the land-use planning areas. It shall form the basis for decisions on the use and protection of resources and on development, and help to promote aesthetic considerations.

## **§ 48 (responsibility for preparation of a land-use plan)**

The landowner or the instance so authorized by the Ministry is responsible for planning in each land-use planning area and shall ensure that planning of the use and protection of the land within the land-use planning area is carried out on a continuous basis.

## **§ 49 (content of the land-use plan)**

There shall be a land-use plan for each planning area with supplementary provisions showing existing and future land-use for the entire planning area. The level of detail may vary according to the specific need for the management of land use. The plan shall be detailed enough to fulfil the purpose of the provisions of this chapter.

The land-use plan, or parts of it, should be revised as circumstances require. The instance responsible for land-use planning should assess whether plans need to be revised at least every four years.

The plan shall in so far as is necessary designate:

1. Building areas, if necessary with further information about the type of buildings.
2. Areas for cabins.
3. Cultural heritage areas, areas of natural environment and outdoor recreation areas, separately or in combination.
4. Areas for the extraction of raw materials.
5. Research areas.
6. Roads, airports, harbours, cable-cars, high-voltage power lines and other important elements of the communication system.
7. Special areas, including danger areas.
8. Areas for specific use or protection of sea and watercourses, including areas for traffic, fisheries areas, areas of natural environment and outdoor recreation areas, either singly or in combination.
9. Areas that are protected pursuant to Chapter III of this Act.

Several land use categories may be established within the same area.

The plan shall include an account of how environmental considerations (including those relating to the natural environment and cultural heritage as well as aesthetic considerations) and the interests of the local community (including safety and the needs of children) have been incorporated. If the plan may have an impact on the environment outside the land-use planning area, this must also be described.

The following may be laid down in connection with the plan:

supplementary provisions imposing legally binding conditions for use and access or passage and for the design of areas and buildings to ensure that the purpose of the plan is met;

supplementary guidelines indicating how the plan should be implemented, and that must be taken into account when making decisions pursuant to this chapter and to sections 57 and 58.

## **§ 50 (preparation of the land-use plan)**

The instance responsible for planning shall ensure that this work is adapted to the circumstances in each land-use planning area. There may be a permanent advisory committee for planning matters in each land-use planning area that will express its opinions on proposed plans.

Landowners and bodies that have duties regarding the utilization of resources, protection measures, development or social and cultural development within the land-use planning area have a right to participate in planning work. Such bodies shall at the request of the instance responsible for planning participate in the work of the advisory committee for planning matters.

At the start of the planning process, the instance responsible for planning shall give public notice that planning is to begin and otherwise make the planning process known to the general public in an appropriate manner. During preparation or revision of an entire land-use plan, the instance responsible for planning shall draw up a planning programme clarifying the matters that will be dealt with in the plan. Bodies and organizations, etc., that are affected and have a special interest in the planning process shall be given an opportunity to express their opinions on the planning programme. The final planning programme shall be publicized by the instance responsible for planning so that the framework and premises for the plan can be publicly debated.

Draft plans shall be deposited for public inspection and sent to bodies and organizations, etc., that are involved and that have a special interest in the planning work for comment. A time limit may be set for submitting comments, and must be at least 30 days. Central government authorities may raise objections to the draft plan if it deals with matters within their areas of responsibility. The ministry may determine which bodies may raise objections.

## **§ 51 (private planning proposals)**

Landowners, holders of rights or other interested parties may forward planning proposals to the instance responsible for planning. The instance responsible for planning shall deal with such proposals as soon as possible. If the instance responsible for planning finds that there is no reason to proceed with the proposal, the proposer shall be notified of this in writing. The proposer may require the matter to be put before the permanent committee for planning matters if one exists for the area in question.

## **§ 52 (approval of the plan)**

After public consultation in accordance with section 50, the instance responsible for planning will submit the finalized plan proposal to the Governor or the instance prescribed by the ministry.

The Governor or other instance prescribed by the ministry may make a decision to adopt the plan if no objections have been raised, or if such objections have been taken into

account. A decision to adopt a plan shall be made not more than one month after a complete planning document has been received, unless special circumstances exist. In such cases the instance responsible for planning shall be notified in writing before the expiry of the time limit with information as to when the decision will be taken. Approved plans are to be sent to the ministry for information.

In cases where objections have been raised and have not been taken into account in the plan, the Governor may mediate. If such mediation does not result in a solution, the case shall be sent to the ministry. The ministry may make any amendments to the plan that are considered necessary.

Grounds shall be given for decisions made under this section, pursuant to sections 24 and 25 of the Public Administration Act. They may be appealed pursuant to the provisions of Chapter VI of the Public Administration Act. However, if the ministry makes a decision on a matter pursuant to the third paragraph, its decision may not be appealed.

The instance responsible for planning shall ensure that the approved plan is publicized appropriately in the local community.

## **§ 53 (effects of the land-use plan)**

New activities, including construction, building, works, demolition, excavation, earth-moving operations, extraction of deposits and other utilization of resources, as well as the allocation of property for such purposes, shall be in accordance with the land-use and other provisions laid down in an approved plan.

Protection pursuant to Chapters III to V takes precedence over the plan.

Exemptions may be made from the supplementary provisions of the plan by means of a permit granted pursuant to section 58.

## **§ 54 (temporary prohibition of activities and allocation of property)**

If the Governor or other instance prescribed by the ministry finds that a revised or more detailed plan must be prepared for part of an area, the said instance may prescribe that activities and allocation of property such as are mentioned in section 53 may not be started before the plan is approved. The period of the prohibition may not exceed one year. The ministry may in special cases extend this time limit.

## **§ 55 (central government land-use plan)**

If the implementation of important development or construction work or protection measures makes it necessary, or if other considerations of the public interest so require,



the Ministry itself may prepare and adopt a land-use plan pursuant to the provisions of this chapter.

## **Chapter VII. Activities that have an environmental impact**

### **i. General provisions**

#### **§ 56 (location of settlements and commercial activities)**

Settlements and commercial activities shall as a general rule be located in the land-use planning areas, cf. section 47, and in such a way that adverse environmental impacts are minimized.

#### **§ 57 (requirement for permits outside land-use planning areas and within land-use planning areas where there is no approved land-use plan)**

A permit is required from Svalbard's environmental protection authorities for the following undertakings outside land-use planning areas and within land-use planning areas where there is no approved land-use plan:

- a. physical alteration of the terrain;
- b. activities that may cause pollution;
- c. hotels, guest-houses and other places that provide overnight accommodation for the general public;
- d. activities that may have an impact on protected structures and sites in contravention of section 42;
- e. other activities that may put pressure on the environment in Svalbard where the ministry has prescribed regulations relating thereto;
- f. alteration of existing installations or their use if this changes the nature of the installation or its impact on the natural environment.

A permit pursuant to this section must be granted before the activity is started. The application shall describe the impact the activity may have on the environment. The ministry may issue regulations requiring applications to be circulated for comment or deposited for public inspection.

Any person that provides further information regarding a planned activity may require that the Governor decides whether the activity will require a permit in accordance with this section. The Governor will determine what information is to be provided in order to arrive at such a decision.

## **§ 58 (activities within land-use planning areas where there are approved land-use plans)**

Before an activity is started or property is allocated in a land-use planning area with an approved plan, the head of undertaking shall notify the instance responsible for planning and the Governor or other instance prescribed by the ministry. The notification shall provide sufficient information to indicate whether the activity or allocation is in accordance with the plan.

The activity may be started three weeks after the receipt of notification, unless

- a. the activity conflicts with the terms of the land-use plan,
- b. the Governor has laid down a temporary prohibition pursuant to section 54, or
- c. a permit is required in accordance with the third paragraph.

A permit from the Governor is nevertheless required before the activity is started even if the activity is in accordance with an approved land-use plan, if

- a. the plan does not have supplementary provisions on the size or design of the activity or the activity exceeds such limits,
- b. the activity may be unsightly or result in pollution exceeding the levels laid down in the plan's supplementary provisions regarding pollution from private dwellings, leisure cabins or businesses,
- c. the activity may affect the cultural heritage or natural environment outside the land-use planning area, or
- d. the activity may have a significant or long-term effect on the environment.

If the activity is in conflict with the terms of the plan it may not be started unless the plan is amended. The Governor may nevertheless grant permits for activities that are in conflict with the supplementary provisions to a plan.

## **§ 59 (separate environmental impact assessment)**

The head of undertaking shall carry out an environmental impact assessment for activities that require permits under this Act and that

- a. may have more than an insignificant effect on the natural environment outside land-use planning areas, or
- b. may have a significant and long-term effect on the environment inside a land-use planning area.

The environmental impact assessment shall elucidate the effects of the enterprise on the environment in order to provide a basis for evaluating and making a decision on the application. The Governor may decide that the environmental impact assessment shall also include an examination of the impact on local settlements and other lawful activities.

The environmental impact assessment shall be carried out on the basis of a study programme approved by the Governor.

Any person who plans an undertaking of the types mentioned in the first paragraph shall send prior notification, including a proposal for a study plan, to the Governor as soon as possible. If an application is submitted pursuant to sections 57 and 58 without prior notification, it may be rejected by the Governor.

The ministry may prescribe regulations relating to environmental impact assessment, including the types of activities for which environmental impact assessment is mandatory. The Governor will decide whether the provisions of the first paragraph apply to an activity and may decide that it is not necessary to carry out an environmental impact assessment for a particular enterprise.

## **§ 60 (use of separate environmental impact assessments)**

The application from the head of undertaking shall be prepared together with the environmental impact statement and shall indicate how the application is based on the statement. The Governor will circulate the application and the environmental impact statement for comment.

If new circumstances that may have a significant bearing on the impact of the activity on the environment are revealed by the environmental impact assessment or in any other way, the Governor may require further assessment of the matter. A permit may not be granted before the Governor has confirmed that the duty to carry out an environmental impact assessment has been fulfilled. If the activity has not been started within five years of a permit being granted, a new environmental impact assessment in accordance with section 59 must be carried out unless the Governor grants exemption from this requirement.

## **§ 61 (decisions on applications)**

The grounds for a decision shall indicate how a separate environmental impact statement pursuant to section 59 and any comments received have been evaluated, and the importance attached to them in arriving at the decision.

A permit should include conditions that are designed to satisfy the purpose of the provisions of this Act. These may include conditions relating to the provision of security for the costs of clean-up operations, cf. section 64. If an environmental impact assessment has been performed pursuant to section 59, conditions pursuant to section 62 shall normally be imposed.

Notification pursuant to the provisions of section 27 of the Public Administration Act shall be given to any persons that have submitted comments on an application or an environmental impact statement.

## **§ 62 (monitoring and measures against unforeseen impacts)**

The head of undertaking shall in accordance with the conditions laid down in the permit carry out regular and effective monitoring of the environment in order to:

- a. evaluate the environmental impact of current activities, including verification of anticipated impacts, and
- b. take steps to facilitate the early detection of unforeseen environmental impacts.

If an unforeseen impact on the environment is detected during an activity, the Governor shall be notified without delay.

## **§ 63 (alteration, withdrawal and lapse of permits)**

The Governor may alter or withdraw a permit issued pursuant to this Act or the conditions on which it was issued, if

- a. this is necessary in order to prevent unforeseen adverse impacts on the environment;
- b. the adverse impact of an activity on the environment may be significantly reduced without disproportionate costs to the head of undertaking;
- c. this is necessary in order to fulfil international obligations that Norway has assumed in relation to Svalbard;
- d. new technology makes it possible to reduce the adverse environmental impacts significantly;
- e. the head of undertaking contravenes the provisions laid down in or pursuant to this Act and the contravention in question is significant, repeated or persistent;
- f. officials with supervisory authority are denied access to the area where the activity is taking place;
- g. security for the costs of clean-up operations has not been provided when this has been required pursuant to section 61 or 64.

A permit may in any case be withdrawn if it is more than 10 years since the decision was made. The Governor may relax restrictions and conditions set out in a permit if experience shows that this can be done without resulting in any significant adverse environmental impact.

A permit that has not been used lapses five years after it was issued.

## **§ 64 (clean-up operations)**

If an activity is closed down or discontinued, the head of undertaking shall take the necessary steps to prevent environmental damage. If the activity may cause

environmental damage after it is closed down or discontinued, the Governor shall be given reasonable prior notice of this.

When an activity or parts thereof are discontinued, the head of undertaking shall at his own expense remove from the area all surface installations, all waste and other remains that are not protected structures and sites pursuant to Chapter V. The area shall as far as possible be restored to its original condition. The Governor may prescribe what measures are to be taken, including whether polluted soil should be treated. The Governor may require that security be provided for the cost of any necessary clean-up operations.

If a local community in a land-use planning area is to be closed down or to a large extent abandoned, the instance responsible for planning shall notify the Governor as soon as possible. A plan for clean-up operations and possible preservation shall be drawn up in accordance with further decisions by the Governor.

Any person that wishes to start up an activity for which a permit has been granted pursuant to section 57 or 58 after a stoppage of more than one year's duration, must notify the Governor of this. The Governor will decide whether an application for a new permit must be submitted before the activity is resumed.

Abandoned vehicles, vessels, aircraft, etc., must be removed by the owner.

The Governor may grant exemptions from the duty to clean up pursuant to this section.

## **ii. Pollution and waste**

### **§ 65 (general provisions regarding pollution)**

No person may possess, do or initiate anything that may entail a risk of pollution unless this is lawful pursuant to this Act.

If there is a danger of pollution contrary to this Act or decisions made pursuant thereto, the person responsible for the activity from which the danger arises shall ensure that measures are taken to prevent such pollution from occurring. The environmental protection authorities may issue orders regarding such measures. If pollution has already occurred, the person responsible shall take measures pursuant to the provisions of section 93.

### **§ 66 (environmentally hazardous substances)**

No person may release environmentally hazardous substances into the environment.

Traces of hazardous substances in ordinary discharges from household activities, service industries or other activities that result in discharges of comparable extent are not covered by the prohibition.

The ministry may subject to further conditions grant exemptions from the provisions of the first paragraph for existing commercial enterprises. If the prohibition results in unforeseen consequences for a newly established commercial enterprise that has been found to be environmentally acceptable in Svalbard, the ministry may also if necessary grant exemptions for the said enterprise.

The ministry may decide that certain products that contain hazardous substances may not be imported to or used in Svalbard.

## **§ 67 (discharges from ships)**

No person may release waste into the sea from a ship or other vessel. However, the discharge of uncontaminated waste food from small vessels or of sanitary waste water in the open sea is permitted.

## **§ 68 (dumping and incineration of waste and other material)**

The dumping and incineration of waste or other material from ships or other vessels is prohibited. The ministry may issue regulations containing exceptions from the prohibition against dumping.

## **§ 69 (duty to be connected to a waste water treatment plant and responsibility for operational matters)**

The Governor or the person so authorized by the ministry may make an order requiring buildings inside a land-use planning area to be connected to a waste water treatment plant. The ministry may determine who shall have a duty to operate waste water treatment plants and associated sewer systems.

## **§ 70 (acute pollution – emergency response system and notification)**

Any person engaged in an activity that may result in acute pollution shall provide the necessary emergency response system to prevent, detect, stop, remove or limit the impact of such pollution. The ministry may order the person responsible for the activity to submit contingency plans for approval. Further conditions for the approval of contingency plans may be laid down.

The ministry may issue regulations regarding the extent of the duty to provide an emergency response system and charges for public emergency response systems.

In the event of acute pollution or the risk of acute pollution, the person responsible shall notify the Governor without delay. Other persons also have a duty to provide notification unless this is clearly unnecessary.

Acute pollution means significant pollution that occurs suddenly and that is not permitted pursuant to this Act.

## **§ 71 (waste)**

No person may leave waste outside a land-use planning area. The Governor may in special cases grant exemptions from this prohibition. In land-use planning areas waste must be discarded or left only in places specifically designated for this purpose. Waste must be stored in such a way as to avoid it being spread.

No person may import waste to Svalbard.

The Ministry may prescribe regulations:

- a. on measures to reduce the quantity of waste,
- b. on the delivery, collection, receipt, transport, separation and treatment of waste,
- c. requiring certain types of waste to be recovered or sent elsewhere for recovery,
- d. requiring waste to be sent for treatment elsewhere.

The cost of measures taken in accordance with the third paragraph shall be borne by the person who owns or generated the waste.

The Governor may order that a plan be drawn up for the management and reduction of waste in the land-use planning areas laid down by the ministry. The ministry may lay down who is to be responsible for the joint collection and disposal of waste in the land-use planning areas.

## **§ 72 (waste water and waste treatment fees etc.)**

The ministry or the instance thereby authorized may issue regulations relating to fees and annual charges for connection to sewerage systems and for the collection and disposal of waste. The fees shall be set so that they cover the costs fully, but do not in total exceed the investment and operation costs for the waste water treatment system, including sewer systems, and the waste disposal system respectively.

The ministry may issue regulations relating to a waste tax to be levied on goods sold in Svalbard and to the total or partial refund of the tax on return of the packaging for such goods.

### **iii. Access and passage**

## **General provisions**

### **§ 73 (general provisions relating to access to and passage through the natural environment)**

The public right of access to and passage through the natural environment also applies in Svalbard, subject to the limitations imposed by this Act.

All access and passage in Svalbard shall take place in a way that does not harm, pollute or in any other way damage the natural environment or cultural heritage or result in unnecessary disturbance to humans or animals.

### **§ 74 (prohibition against access and passage that put special pressure on the environment)**

The Governor may prohibit types of access and passage or modes of transport that put special pressure on the natural environment. Sections 79 ff. apply to motor traffic.

### **§ 75 (restrictions on access and passage in special areas)**

Outside protected areas, the Governor may prohibit or regulate access and passage in delimited areas throughout the year or at certain times of the year when this is considered necessary in order to protect the natural environment, cultural heritage, drinking water supply or scientific investigations.

### **§ 76 (camping)**

The Governor may issue regulations governing camping activities. The regulations may lay down that permission from the Governor is required if the period of stay exceeds a specified duration or the camp is larger than a specified size.

### **§ 77 (emergency services and inspection services)**

Operations by the fire, police or rescue services and inspection activities pursuant to this Act may if necessary be carried out notwithstanding the provisions of this Act.

### **§ 78 (fees charged to visitors)**

The King may issue regulations on fees payable by visitors to Svalbard. Permanent residents may not be charged such fees. The fees accrue to the Svalbard Environmental Protection Fund.



## **Motor traffic**

### **§ 79 (general provisions relating to motor traffic)**

Motor traffic shall be regulated on the basis of overall considerations of the public interest and with a view to protecting Svalbard's natural environment.

Motor traffic is prohibited except on roads or places constructed for this purpose unless otherwise provided by this Act or pursuant thereto.

### **§ 80 (off-road motor traffic on ground that is not snow-covered)**

Off-road motor traffic on ground that is not snow-covered or on thawed ground is only permitted:

- a. along special trails or for special purposes laid down by the Governor by regulations;
- b. when there are special considerations and the Governor has issued a permit.

### **§ 81 (off-road motor traffic on snow-covered and frozen ground)**

Off-road motor traffic on snow-covered and frozen ground and on ice-covered watercourses and areas of sea may be permitted

- a. in areas and along trails prescribed by the ministry by regulations;
- b. for specific purposes laid down by the Governor in regulations;
- c. when there are special reasons and the Governor has issued a permit on application.

Regulations laid down pursuant to the first paragraph, litra a, shall ensure that permanent residents have more extensive rights to make use of motor traffic than visitors. Restrictions on permanent residents' motor traffic must be justified by the environmental considerations related to Svalbard or by the need to separate motor and non-motor traffic.

### **§ 82 (motor traffic in watercourses and at sea)**

Motor traffic in watercourses is only lawful with the permission of the Governor.

Motor traffic at sea may take place in accordance with section 73 unless otherwise provided in or pursuant to this Act.

The use of jet skis is not permitted. The Ministry may issue regulations relating to prohibition of the use of specific types of vessels.

The Governor may issue regulations relating to motor traffic at sea, for example to prescribe shipping lanes or areas where shipping is not permitted, speed limits and provisions regarding casting anchor and landing. The regulations may differentiate between traffic for different purposes.

## **§ 83 (the use of aircraft)**

Motorized air traffic may operate in accordance with section 73 unless otherwise provided in or pursuant to this Act.

Aircraft may not land on ships or on the ground or water outside a landing strip that has been licensed or approved in accordance with the Air Traffic Act. The Governor may on application grant exemptions from the provision of the first sentence.

No person may fly an aircraft closer than one nautical mile from large known concentrations of mammals and birds.

The Governor may issue regulations relating to minimum flying altitudes for aircraft and to prohibitions on the use of aircraft for tourism purposes.

## **§ 84 (individual permits for motor traffic)**

When the Governor decides applications for permits for motor traffic, weight shall be attached to the purpose of the application, the risk of environmental damage from the traffic in question, and the objective of restricting motor traffic in Svalbard. If a permit is granted, the grounds for this shall indicate how these factors have been evaluated.

The permit shall be limited in regard to time and place and may be restricted to apply to certain specified cases only. Conditions may be attached to the permit. The permit may be altered or withdrawn if environmental considerations so require.

## **iv. Cabins**

### **§ 85 (right to own or rent cabins)**

Leisure cabins may only be owned or rented by

- a. persons who are or have been permanently resident in Svalbard,
- b. associations that have their headquarters in Svalbard and most of whose employees or members are permanent residents.

No person may own or rent more than two leisure cabins.

The Governor may in special cases grant exemptions from the provisions of this section.

### **§ 86 (maintenance of cabins)**

Leisure cabins and their surroundings shall be maintained so that they do not disfigure the landscape or cause danger to humans or animals.

## **Chapter VIII. Inspection and control measures**

### **§ 87 (inspection and control by the environmental protection authorities)**

The environmental protection authorities will monitor the state of the environment and control compliance with the provisions laid down in and pursuant to this Act. Importance shall be attached to ensuring that control and monitoring are as effective as the circumstances require and that their pressure on the environment is minimized. The Governor shall promote the purpose of this Act by means of advice, guidance and information.

### **§ 88 (internal control)**

In order to ensure that requirements laid down in or pursuant to this Act are observed or in order to otherwise promote a higher environmental standard, the ministry may prescribe regulations regarding

internal control and internal control systems,

participation in international arrangements for certification, environmental management and environmental audits.

### **§ 89 (the duty to provide information)**

On the orders of the Governor, any person that possesses or does anything that may put pressure on the environment in Svalbard has a duty, notwithstanding any duty of secrecy, to provide the Governor with any information necessary to enable him to carry out his tasks pursuant to this Act. If special reasons so indicate, the Governor may require that information shall be provided by any person who works for the person that is subject to the duty to provide information pursuant to the first sentence.

## **§ 90 (inspection)**

The Governor shall be given unimpeded access to property where activities are being carried out that may have an impact on the environment, or where it may be assumed that there is an impact on the environment, if this is necessary for the exercise of duties pursuant to this Act. The Governor may also demand documents and electronically stored material or other material that may be of importance for the exercise of duties pursuant to this Act to be submitted for his inspection.

Before inspection of an activity, the Governor shall first contact representatives of the management, unless so doing hinders or substantially complicates the objectives of the inspection.

## **§ 91 (orders to carry out investigations)**

The Governor may by individual decision order a head of undertaking that is having an impact on the environment or that there is reason to believe may have an impact on the environment to arrange for or pay the costs of investigations or other measures to

- a. determine whether and to what extent the activity has or may have an impact on the environment,
- b. ascertain the cause of or impact of the environmental changes that have occurred as a result of the activity,
- c. ascertain how the environment can be restored.

## **§ 92 (inspection fees)**

The Ministry may prescribe regulations relating to fees for inspection measures carried out by the environmental protection authorities in accordance with this chapter. The amount of the fees shall be such that the total sum is not expected to exceed the costs of inspection arrangements. The fee is enforceable by execution proceedings.

# **Chapter IX. Enforcement and sanctions**

## **§ 93 (restoration)**

Any person that has had an impact on the environment in Svalbard by contravening provisions laid down in or pursuant to this Act shall take the remedial action necessary to prevent further environmental impact and, if possible, to restore the original state of the environment by appropriate action such as collection, clearing up, removal, the release of organisms, or levelling the ground. Undertakings that in themselves may have a significant impact on the environment may only be carried out with the consent of or by order of the Governor.

The duty to take remedial action and to restore the environment does not apply in so far as it would be especially unreasonable in view of the cost and effect of the measures, the environmental impact of the contravention and the offender's fault and financial situation.

Within the framework of this section, the Governor may issue orders regarding the remedial and restoration measures that are to be carried out, including orders regarding the killing of living organisms to which the contravention applies or the return of living organisms or items of the cultural heritage to their original location.

## **§ 94 (ownership rights to items of flora and fauna handled in contravention of this Act, etc.)**

Items of flora and fauna that are collected, trapped or killed in contravention of this Act, or killed in accordance with section 33 first paragraph and section 34, are the property of the Svalbard Environmental Protection Fund. The same applies to wildlife found dead, parts of wildlife found dead and animals killed in the interests of animal welfare. The ownership rights of the Fund may be enforced through the imposition of fines or court judgments pursuant to the provisions of the Criminal Procedure Act relating to confiscation.

The Fund will decide what is to be done with such items of flora and fauna. The Governor may require the payment of compensation to the Fund equivalent to their value if the Fund is not given access to the flora and fauna in accordance with this paragraph.

## **§ 95 (compensation)**

Any person that causes environmental damage by contravening the provisions made in or pursuant to this Act is liable to pay compensation regardless of any fault on his part for economic loss resulting from the environmental damage. Persons that have indirectly contributed to the environmental damage (by delivering goods or services, carrying out inspection or control measures or in any other way) are nevertheless only liable to the extent that intent or negligence can be shown.

Liability in accordance with the first paragraph also applies to

- a. financial losses incurred because the environmental damage prevents or impedes the exercise of the public right of access and passage in connection with commercial activities,
- b. the costs of or losses relating to reasonable measures to reduce or mitigate environmental damage or to restore the state of the environment,
- c. the costs borne by any person for clearing up waste left in contravention of section 71.

The Governor may order any person that by contravening the provisions laid down in or pursuant to this Act has caused appreciable environmental damage to pay environmental compensation to the Svalbard Environmental Protection Fund. The amount of the environmental compensation to be paid is set on the basis of the value of what has been damaged, the extent and duration of the environmental damage, the fault of the offender, other sanctions imposed on the offender and the general circumstances.

A decision by the Governor regarding environmental compensation in accordance with the third paragraph is enforceable by execution proceedings. Liability to pay compensation may also be the subject of criminal proceedings. If the compensation claim is brought before a court in a criminal case, civil action or complaint against execution proceedings, the court may conduct a full trial of the compensation claim. The decision may not be appealed pursuant to the provisions of the Public Administration Act. Notification of the decision shall provide information about the provisions of this paragraph.

This section applies in so far as it is not otherwise provided by international agreements to which Norway is a party and that apply to Svalbard.

## **§ 96 (coercive fine)**

In order to ensure the implementation of the provisions of this Act or decisions taken pursuant to this Act, the Governor may impose a coercive fine payable to the Svalbard Environmental Protection Fund.

A coercive fine may be imposed when contravention of a provision is discovered. The fine becomes effective if the person responsible fails to meet the deadline for remedying the matter set by the Governor. A coercive fine may be imposed in advance if there are special reasons for doing so, and in such cases becomes effective from the date when any contravention starts. It may be decided that the coercive fine shall continue to be effective for as long as the unlawful situation persists, or that it is payable each time contravention takes place. However, a coercive fine does not continue to be payable if compliance with the obligation is impossible owing to circumstances for which the person responsible is not to blame.

If the contravention has occurred on behalf of a company or other association, a foundation or a public body, the coercive fine shall normally be imposed on the entity concerned. If a coercive fine is imposed on a group of companies, accrued amounts thereof may also be recovered from the parent company. The Ministry may waive accrued amounts of a coercive fine.

## **§ 97 (direct implementation)**

In the event of failure to comply with any duties following from this Act or decisions made pursuant thereto, the Governor may take the measures necessary to ensure

compliance with the said duties. Before this is done, the Governor shall give notice requiring the person responsible to take such measures to make amends within a short time limit. Such notification may be dispensed with in cases where the measures are urgently needed in the interests of the environment or where the identity of the person responsible has not been established.

When implementing measures pursuant to the first paragraph, the Governor may make use of and if necessary cause damage to the property of the person responsible. The Governor may if necessary decide that the use of or damage to another person's property is permissible in return for remuneration. The state will act as guarantor for such remuneration.

Expenses incurred by the Governor in implementing measures may be claimed from the person responsible. The demand is enforceable by execution proceedings.

## **§ 98 (Svalbard Environmental Protection Fund)**

The Svalbard Environmental Protection Fund is comprised of proceeds collected pursuant to sections 32, second paragraph, 78, 94, 95, third paragraph, and 96.

The Fund's proceeds may only be used for measures in Svalbard for the purpose of protecting the environment. They may be used for

- a. investigations and measures to survey and monitor the state of the environment, the causes of environmental pressure and the environmental impact of activities,
- b. restoration of the environment,
- c. grants for management, maintenance and investigations in accordance with sections 21, 44, third paragraph, and 45, in so far as the person responsible cannot be expected to cover the expenses of these measures,
- d. information and training measures and measures to improve access.

The Ministry will appoint the members of the board of the Fund and may prescribe rules relating to the way in which the Fund shall be managed. Decisions regarding allocations from the Fund are not regarded as individual decisions pursuant to the Public Administration Act.

## **§ 99 (penalties)**

Any person that wilfully or negligently contravenes the provisions laid down in or pursuant to this Act is liable to fines or to a term of imprisonment not exceeding one year. If a risk of substantial environmental damage has occurred or 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.

# Chapter X. Final Provisions

## § 100 (supplementary regulations)

The King may issue supplementary regulations for the implementation of this Act.

## § 101 (entry into force)

This Act enters into force from the date decided by the King. The King may decide that different provisions shall enter into force on different dates.

## § 102 (transitional provisions)

Regulations laid down pursuant to the Act of 17 July 1925 No. 11 relating to Svalbard which will be authorized by this Act will remain in effect until the King decides otherwise.

## § 103 (amendments to other Acts)

1. The General Civil Penal Code of 22 May 1902 No. 10 section 152 b, second paragraph, (2), shall read:
  2.
    - (2) inflicts considerable harm on an area that is protected by a decision pursuant to chapter III of the Nature Conservation Act, section 7 of the Wildlife Act, *chapter III of the Svalbard Environmental Protection Act*, section 2 of the Act relating to Jan Mayen or section 2 of the Act relating to Bouvet Island, Peter I's Island and Dronning Maud's Land, etc., or
3. In the Act of 9 June 1903 No. 7 relating to State Control of the Seaworthiness of Ships etc., section 1, fourth paragraph, second sentence, shall read:
  3.
    - Unless otherwise provided by rules recognized in international law or by a treaty with a foreign state, the King may also prescribe that this Act shall, *in whole or in part*, apply to foreign ships and devices as mentioned, when they are within Norwegian territorial waters or in the Norwegian section of the continental shelf, *in Svalbard's internal waters and territorial waters* or in the Norwegian economic zone.
4. The following amendments are made to the Act of 17 July 1925 No.11 relating to Svalbard:

Section 4, first paragraph, shall read:



- The King may issue general regulations concerning the Church, school and poor relief services, concerning public order, concerning expulsion, concerning the medical and health services, concerning the building and fire services, concerning combustible articles, concerning shipping, aviation and other communications, concerning tourism, concerning patents, *concerning mining, saltwater fisheries, catching of marine mammals that do not show site fidelity and other industries and concerning returns to the central statistical office.*

Section 26, second paragraph, is repealed. Permits granted in accordance with this provision become void on the date on which this Act comes into effect.

4. In the Act of 27 February 1930 No. 2 relating to Jan Mayen, section 2, the new third paragraph shall read:
  5.
    - *The King may issue regulations relating to environmental protection on Jan Mayen.*
6. In the Act of 22 March 1957 No. 4 relating to Hunting of Polar Bears, the following amendments shall be made:
  - The title of the act shall read: Act relating to *the Protection and* Hunting of Polar Bears.

Section 1 shall read:

- This Act applies to the hunting and landing of polar bears on Norwegian land and sea territory and to the hunting of polar bears carried out by Norwegian citizens, the Kingdom's inhabitants or by Norwegian companies and other associations *or foundations* outside Norwegian territory, *or assistance in such hunting.*
- *As regards Svalbard, the Svalbard Environmental Protection Act applies instead of this Act.*

Section 2 shall read:

- *Polar bears are protected against all forms of hunting mentioned in section 1.*
- *The King may by regulations or in individual cases grant exemptions from protection pursuant to the first paragraph provided that this does not conflict with an international convention to which Norway has acceded, and may also lay down provisions relating to hunting techniques.*
- *Live polar bears may only be brought ashore in Norway by permission of the King.*

Section 3 shall read:

6.
  - Any person who wilfully or negligently contravenes provisions laid down in or pursuant to section 2 or who is an accessory thereto is liable to a fine

or to a term of imprisonment not exceeding one year, unless the General Civil Penal Code section 152 b, second paragraph, (1), applies.

7. The Pollution Control Act of 13 March 1981 No. 6, section 3, third paragraph, shall read:
  7.
    - *The Act does not apply to Svalbard. As regards Jan Mayen and the Norwegian dependencies, the Act applies to the extent decided by the King.* For these areas, the pollution control authority may lay down any amendments to the Act required by local circumstances.
8. In the Act of 13 June 1997 No. 42 relating to the Coast Guard (the Coast Guard Act), section 11, second paragraph, shall read:
  - The same applies to provisions laid down in *and pursuant to the Act relating to the Protection of the Environment in Svalbard (Svalbard Environmental Protection Act)*.