

Regulations relating to administrative fines under Section 96a of the Svalbard Environmental Protection Act

Legal basis: Issued by the Ministry of Climate and Environment on 6 February 2024 pursuant to the Act of 15 June 2001 No. 79 relating to the protection of the environment in Svalbard (Svalbard Environmental Protection Act), Section 96a, second paragraph.

Section 1 Scope

These Regulations apply to administrative fines under Section 96a of the Svalbard Environmental Protection Act.

Section 2 Administrative fines against natural persons

In assessing whether to impose administrative penalties for an offence and in setting administrative fines against natural persons, emphasis may be given to the following elements:

- a) the scope of the offence;
- b) the risk of impact on cultural heritage or the environment, including wilderness, landscapes, flora and fauna;
- c) the degree of culpability;
- d) whether the offence is repeated;
- e) gains that have or may have been achieved as a result of the offence;
- f) general deterrence considerations;

In setting the fine, emphasis shall also be given to the financial capacity of the person concerned.

The administrative fine shall not exceed four times the basic amount in the National Insurance scheme (G). These frameworks also apply where multiple offences have been committed in the same act.

Section 3 Coercive fines against enterprises

In assessing whether an enterprise shall be imposed an administrative penalty for an offence and in setting an administrative fine against an enterprise, emphasis shall be given to whether the enterprise could have prevented the offence by way of guidelines, instruction, training, checks or other measures, whether the offence was committed to further the interests of the enterprise, as well as elements corresponding to those mentioned in Section 2.

An administrative fine against an enterprise shall not exceed six times the basic amount in the National Insurance Scheme (G). Section 2, second paragraph, second sentence applies correspondingly.

Section 4 Time limit for fulfilment and interest on overdue payment

The administrative fine shall be fulfilled no later than four weeks from the time the decision was made. A longer time limit may be determined in the decision or at a later date.

If the administrative fine is not paid by the due date, interest on overdue payment will accrue according to the Act relating to interest on overdue payment.

Section 5 Enforcement basis

A final decision concerning an administrative fine is a basis for enforcement of distraint.

Section 6 Limitation period

The right to impose an administrative fine is subject to limitation period of two years after the offence has ceased. The time limit is interrupted by the issuance of an advance notice or a decision concerning an administrative fine.

Section 7 Entry into force

These Regulations enter into force on 1 January 2025.