

Svalbard Environmental Protection Act

Act of 15 June 2001 No.79 Relating to the Protection of the Environment in Svalbard

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

The translation is not official; it is provided for information purposes only. In the event of any inconsistency, the Norwegian version shall prevail.

This translation is based on the Norwegian version of 23. May 2024. Later amendments are not translated.

Chapter I. Introductory provisions

Section 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, flora, fauna and cultural heritage.

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

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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.

Section 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 environmental protection authorities, where such factors may cause damage or nuisance to the environment;
- b. waste: articles of personal property or substances which a person has discarded, intends to discard or has a duty to discard. Waste water and exhaust gases are not considered to be waste. The provisions concerning the distinction between waste and byproducts, as well as when waste ceases to be considered waste, in Section 27, second and third paragraphs of the Pollution Control Act, apply correspondingly.
- 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: all traces of human activity in the physical environment, including localities associated with historical events. A cultural environment is defined as any area where elements of the cultural heritage form part of a larger entity or context;
- 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 object: 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. motorised craft: aircraft, hovercraft, ships, boats and other craft propelled by engine power;
- m. motor traffic: the use of motor vehicles or motorised 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332), 9 December 2016, No. 89.

Section 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

Section 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 under this Act regarding the protection of Svalbard's flora, fauna, cultural heritage and the natural environment otherwise.

Section 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 under this Act and its individual provisions, when seen as a whole, is in accordance with these guidelines.

Section 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.

Section 8 (cumulative environmental effects)

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

Section 9 (user-pays principle)

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 that is or would be the cause of such problems.

Section 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

Section 11 (fundamental principle)

There shall be protected areas in Svalbard that

1. include the full variation range of habitats and landscape types;
2. help to maintain areas of special conservation or historical value;
3. protect ecosystems on land and in the sea;
4. contribute to the maintenance of wilderness and untouched nature.

Section 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.

Section 13 (administrative procedures)

At an early stage in the preparation of regulations under 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 organisations 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.

Section 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 under the provisions of the Public Administration Act by a party who has the right of appeal.

Section 15 (publication of protection decisions)

Decisions under 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.

Section 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, which may affect or disturb the natural environment or cultural heritage.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 17 (nature reserves)

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

1. contain distinctive or vulnerable ecosystems,
2. comprise a special type of habitat or special geological formations,
3. are otherwise of special importance for the flora and fauna, or
4. 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.

Section 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.

Section 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.

Section 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.

Section 21 (management of protected areas)

In protected areas established under 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.

Section 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 under 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

Section 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.

The exception of the first paragraph does not apply to the provisions of sections 26 and 27.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

ii. General principles and provisions

Section 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.

Section 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.

Section 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 under the second paragraph. This provision also applies to the roe and eggs of such species.

In order to implement the Convention of 3 March 1973 on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or other international obligations, or otherwise to conserve species naturally occurring in the wild, the King may adopt regulations governing the import and export, transport, sale and keeping or possession of living or dead specimens or parts of such.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 27 (release and transport of organisms, etc.)

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

1. release species of flora or fauna that do not already occur naturally in Svalbard;
2. move indigenous species of flora or fauna; or
3. initiate measures for the cultivation of species of flora or fauna, including releasing such flora or fauna on land or in river systems, fjords or the sea.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

iii. Flora

Section 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.

Section 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

Section 30 (what protection of the fauna involves)

No person may hunt, capture, injure or kill fauna or damage eggs, nests or lairs unless so authorised 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.

During the period 1 April to 31 August, no person may use ship sirens, fire shots or produce loud noises less than one nautical mile from a seabird colony or use unmanned aerial vehicles (drones) less than 500 metres from a seabird colony. No person may subject fauna to anaesthetic or immobilising 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.

Section 30a Polar bear safety

It is prohibited to unnecessarily disturb, lure or pursue polar bears.

No person may travel or stay within a distance of 300 metres of polar bears. During the period 1 March to 30 June, no person may travel or stay within a distance of 500 metres of polar bears. Any person who observes a polar bear closer than the distance requirement shall retreat, so as to maintain a lawful distance. The distance requirement does not apply in settlements, during stays at research stations, in cabins, in tents or similar facilities.

Any person travelling outside the settlements, with the exception of persons who are taking part in tourist activities, shall have knowledge about safety measures regarding polar bear attacks and have suitable equipment to frighten off and chase away polar bears. Necessary measures shall be taken to avoid the danger of polar bear attacks and to ward off an attack without injuring or killing the animal.

The Governor may by regulations issue further rules on safety measures in respect of polar bears, as mentioned in the third paragraph.

Added by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332), amended by the Act of 11 June 2021 No 68 (in force from 1 July 2021). Amended by the Act

of 7 June 2024 No. 30 (in force from 1 January 2025 in accordance with the Royal Decree of 7 June 2024 No 941).

Section 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 adopt regulations relating to hunting, trapping and freshwater fishing, including harvesting methods and equipment.

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

Section 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 under 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 adopt 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 adopt 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 adopted under 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 ministry may adopt regulations regarding the allocation of trapping areas with exclusive harvesting rights and lay down special rules relating to harvesting by trappers such as are mentioned in this section, relating to the time periods during which trapping is permitted, the quantity that may be harvested and the types of harvesting methods that may be employed.

The Governor may set requirements for reporting and collection in connection with permits for harvesting. In the event of failure to comply with such requirements, the Governor may refuse to grant a similar permit for the following season.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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 to a person's life or health 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.

Section 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.

Section 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 authorised by the ministry may adopt regulations requiring dogs to be kept on a leash.

Section 36 (taxidermy, etc.)

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

Section 37 (exemptions)

Even if permission may not be granted for a particular undertaking under 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

Section 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.

Section 39 (protected elements of the cultural heritage)

The following are automatically protected:

1. structures and sites dating from before 1946;
2. movable historical objects dating from before 1946 or earlier that come to light by chance or through investigations, excavation or in any other way.

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, are considered to be structures and sites and are automatically protected irrespective of their age. The same applies to skeletal remains at slaughtering sites for walruses and whales and associated with spring-guns for polar bears.

Around automatically protected structures and sites, 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. Movable historical objects are classified as structures and sites if they are associated with a specific locality, see section 3 g).

The Directorate may by decision protect elements of the cultural heritage dating from after 1945 that are of particular historical or cultural value. A protection order includes fixed inventory (cupboards, stoves etc.). If special reasons so indicate, movable furniture and objects may also be included. In such cases, the objects in question shall be specified.

The Directorate may by decision protect the area around elements of the cultural heritage protected by decision insofar as this is necessary to preserve their effect in the environment or to safeguard scientific interests associated with them.

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

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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 and cultural environments such as are mentioned in section 39, fourth and fifth paragraphs, until such time as the question of protection has been finally decided.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 41 (administrative procedure for protection decisions)

Decisions under 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.

Section 42 (the substance of automatic protection)

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

Without a permit from the Governor, no person may erect a tent or light a fire within a security zone. Tents may nevertheless be erected within a security zone when the ground is frozen or snow-covered.

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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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.

Section 44 (exemptions and the 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 automatically protected elements of the cultural heritage in one of the ways mentioned in section 42. 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 automatically protected elements of the cultural heritage in contravention of section 42, the Governor shall be notified under 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 under section 98. Finds shall be delivered within one year unless this time limit is extended by the Governor.

The Directorate may in special cases grant exemption from a protection order or its provisions in respect of measures that will not have any significant impact on a protected element of the cultural heritage or protected area.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332.

Section 45 (investigation, management and maintenance)

The directorate has the right to search for, excavate, examine and document automatically protected elements of the cultural heritage and may grant permission for others to carry out such measures. After the measures have been completed, such elements of the cultural heritage 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 maintain or enclose protected structures and sites or take steps to 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 putting in order, restoration, rebuilding or removal, require an exemption under section 44.

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 under 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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 under 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 import and return of unlawfully exported cultural objects, shall apply to Svalbard to the extent that they are appropriate.

Amended by the Act of 10 June 2005 No. 52 (in force from 1 January 2007 in accordance with the Royal Decree of 15 December 2006 No. 1434).

Chapter VI. Land-use planning areas

Section 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 under 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.

Section 48 (responsibility for preparation of a land-use plan)

The landowner or the instance so authorised 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.

Section 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 river systems, including areas for traffic, fisheries areas, areas of natural environment and outdoor recreation areas, either singly or in combination.
9. Areas that are protected under 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:

1. 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;
2. supplementary guidelines indicating how the plan should be implemented, and that must be taken into account when making decisions under this chapter and sections 57 and 58.

Section 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 utilisation 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 or parts of the 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 organisations, 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 publicised 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 organisations, 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332.

Section 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.

The ministry or the instance thereby authorised may issue regulations relating to fees for the processing of private planning proposals.

Section 52 (approval of the plan)

After public consultation in accordance with section 50, the instance responsible for planning will submit the finalised 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, under sections 24 and 25 of the Public Administration Act. They may be appealed under the provisions of Chapter VI of the Public Administration Act. However, if the ministry makes a decision on a matter under the third paragraph, its decision may not be appealed.

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

Section 53 (effects of the land-use plan)

New activities, including construction, building, works, demolition, excavation, earth-moving operations, extraction of deposits and other utilisation 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 under Chapters III to V takes precedence over the plan.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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.

Section 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 under the provisions of this chapter.

Chapter VII. Activities that have an environmental impact

i. General provisions

Section 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 minimised.

Section 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:

1. physical alteration of the terrain;
2. activities that may cause pollution;
3. hotels, guesthouses and other places that provide overnight accommodation for the general public;
4. activities that may have an impact on automatically protected structures and sites in contravention of section 42, cf. section 44;
5. other activities that may put pressure on the environment in Svalbard where the ministry has prescribed regulations relating thereto;
6. alteration of existing installations or their use if this changes the nature of the installation or its impact on the natural environment;
7. installations or structures that are not permanently fixed to the ground and that may have an impact on the landscape.

A permit under 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 adopt 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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

1. the activity conflicts with the terms of the land-use plan;
2. the Governor has laid down a temporary prohibition under section 54; or
3. 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

1. the plan does not have supplementary provisions on the size or design of the activity, or the activity exceeds such limits;
2. 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;
3. the activity may affect protected elements of the cultural heritage or the natural environment outside the land-use planning area; or
4. 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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

1. may have more than an insignificant effect on the natural environment outside land-use planning areas; or

2. may have significant and long-term social and environmental impacts 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 under sections 57 and 58 without prior notification, it may be rejected by the Governor. The ministry may adopt 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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.

Section 61 (decisions on applications)

The grounds for a decision shall indicate how a separate environmental impact statement under 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 under section 59, conditions under section 62 shall normally be imposed.

Notification under 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.

Section 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:

1. evaluate the environmental impact of current activities, including verification of anticipated impacts; and
2. 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.

Section 63 (alteration, withdrawal and lapse of permits)

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

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

Section 64 (clean-up operations)

If an activity is closed down or discontinued, the head of undertaking shall take the necessary measures to prevent environmental damage. If the activity may cause environmental damage after it is closed or discontinued, the Governor shall be given reasonable prior notice thereof. The Governor may prescribe measures to counteract the risk of environmental damage, including the treatment of polluted soil and the protection of fauna, and that a plan be prepared to ensure the fulfilment of the duties in this paragraph.

When an activity or parts thereof cease, the head of undertaking shall at their own expense remove from the area all surface installations, all waste, and other remains that are not protected structures and sites under Chapter V. The area shall, as far as practically possible, be restored to its original condition.

The Governor may

- a. prescribe which measures are to be carried out in accordance with the second paragraph, including the treatment of polluted soil, and that a plan shall be prepared to ensure the fulfilment of the duties in the second paragraph
- b. demand that security be provided for the costs of clean-up and restoration in accordance with the second paragraph
- c. grant exemptions from clean-up and restoration duties in the second paragraph.

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. The instance responsible for planning or the instance prescribed by the Governor shall prepare a plan as mentioned in the first paragraph, third sentence and third paragraph (a).

The duties in accordance with this section also apply to any duties arising in permits issued pursuant to sections 57 and 58. Any person wishing to resume an activity for which a permit has been granted under section 57 or 58 following a stoppage of more than two years' duration, shall notify the Governor thereof. The Governor will decide whether an application for a new permit must be submitted before the activity is resumed.

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

ii. Pollution and waste

Section 65 (general provisions regarding pollution)

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

If there is a danger of pollution contrary to this Act or decisions made under the act, 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 or the instance thereby authorised by the ministry may issue orders regarding such measures. If pollution has already occurred, the person responsible shall take measures under the provisions of section 93.

Section 66 (persistent, bioaccumulative and toxic substances)

No person may release persistent, bioaccumulative and toxic substances into the environment.

Traces of persistent, bioaccumulative and toxic substances in ordinary releases from household activities, service industries or other activities that result in releases 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 persistent, bioaccumulative and toxic substances may not be imported to or used in Svalbard.

Section 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.

Section 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. This prohibition does not apply to incineration of waste generated as a result of the normal operation of a ship and that is permitted under the Regulations of 16 June 1983 No. 112 relating to the prevention of pollution from ships (the MARPOL regulations). The Governor may grant permission under the Regulations of 1 June 2004 No. 931 relating to pollution control, Chapter 22 Dredging and dumping at sea and in river systems.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

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

The Governor or the instance thereby authorised 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.

Section 70 (acute pollution – emergency preparedness and response system and notification)

Any person engaged in an activity that may result in acute pollution shall provide the necessary emergency preparedness and response system and has a duty to take action 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. Acute pollution means significant pollution that occurs suddenly and that is not permitted under this Act.

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.

Any person that has a duty to maintain an emergency preparedness and response system and to take action under this paragraph shall, when so ordered by the person responsible for governmental preparedness and response, provide equipment and personnel for operations to deal with acute pollution.

The ministry may adopt regulations relating to who has a duty to provide an emergency preparedness and response and to take action and the extent of these duties, and relating to charges for a public emergency preparedness and response system.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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 or the instance thereby authorised may adopt regulations:

1. on measures to reduce the quantity of waste;
2. on the delivery, collection, receipt, transport, separation and treatment of waste;
3. requiring certain types of waste to be recovered or sent elsewhere for recovery;
4. 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 72 (waste water and waste treatment fees etc.)

The ministry or the instance thereby authorised may adopt 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 adopt 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

Section 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.

Section 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.

Section 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.

Section 76 (camping)

The Governor may adopt 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.

Section 77 (emergency services and inspection services)

Police tasks and emergency operations by the fire and rescue services may if necessary be carried out notwithstanding the provisions of this Act. The Governor may carry out necessary inspection activities notwithstanding the provisions of this Act.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 78 (environment fee for visitors)

The King may adopt regulations requiring visitors to Svalbard to pay an environment fee. Permanent residents may not be charged an environment fee. The fees accrue to the Svalbard Environmental Protection Fund.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Motor traffic

Section 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 or under this Act.

Section 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:

1. along special trails or for special purposes laid down by the ministry in regulations;
2. when there are special considerations and the Governor has issued a permit.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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 river systems and areas of sea may be permitted

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

Regulations laid down under the first paragraph, a, shall ensure that permanent residents have more extensive rights to make use of motor vehicles 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.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 82 (motor traffic in river systems and at sea)

Motor traffic in river systems 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 under this Act.

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

The Governor may adopt 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.

Section 82a. (requirements relating to fuel for motor traffic at sea)

Ships that call in the territorial waters of Svalbard are not to use or have on board petroleum-based fuel with a higher viscosity, density or freezing point than is permitted for marine gas oil. Marine gas oil, with a specification of viscosity, density and solidification point, is defined in greater detail in regulations issued by the ministry.

Added by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332), amended by the Act of 11 June 2021 No. 75 (in force from 1 January 2022). See Part II of the amendment to the Act for transitional rules.

Section 83 (the use of aircraft)

Motorised air traffic may operate in accordance with section 73 unless otherwise provided in or under 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 ministry may adopt regulations relating to minimum flying altitudes for aircraft and to prohibitions on the use of aircraft for tourism purposes.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 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

Section 85 (right to own or rent cabins)

Leisure cabins may only be owned or rented by

1. persons who are or have been permanently resident in Svalbard;
2. 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.

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

Section 87 (inspection and control by the environmental protection authorities)

The environmental protection authorities or the instance thereby authorised by the ministry will monitor the state of the environment and control compliance

with the provisions laid down in and under 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 minimised. The Governor shall promote the purpose of this Act by means of advice, guidance and information.

Section 88 (internal control)

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

1. internal control and internal control systems;
2. participation in international arrangements for certification, environmental management and environmental audits.

Section 89 (duty to provide information)

On the orders of the Governor or the instance thereby authorised by the ministry, 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 or the instance thereby by the ministry with any information necessary to enable him to carry out his tasks under this Act. If special reasons so indicate, the Governor or the instance thereby by the ministry may require that information shall be provided by any person who works for the person that is subject to the duty to provide information under the first sentence.

Section 90 (inspection)

If necessary, in order to carry out tasks under the Act, the Governor or instance thereby authorised by the ministry 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. The Governor or the instance thereby authorised by the ministry may also require documents and electronically stored material or other material

that may be of importance for carrying out tasks under this Act to be submitted for his inspection.

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

Section 91 (orders to carry out investigations)

The Governor or the instance thereby authorised by the ministry 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

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

Section 92 (administrative and inspection fees)

The ministry may adopt regulations relating to fees for inspection measures carried out by the environmental protection authorities in accordance with this chapter and for administrative procedures relating to permits, exemptions, etc under this Act or regulations adopted under the Act. The amount of the fees shall be such that the total sum is not expected to exceed the costs of inspection arrangements or administrative procedures. Fees are enforceable by execution proceedings.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Chapter IX. Enforcement and sanctions

Section 93 (restoration)

Any person that has had an impact on the environment in Svalbard by contravening provisions laid down in or under 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. Measures 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 or the instance thereby authorised by the ministry.

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 or the instance thereby authorised by the ministry may prescribe 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.

Section 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 to be dealt with by the Governor. The same applies to wildlife found dead, parts of wildlife found dead, animals killed in the interests of animal welfare and animals killed in connection with research. The arrangements set out in the first and second sentences may be enforced through the imposition of fines or court judgments under the provisions of the Criminal Procedure Act relating to confiscation.

The Governor will decide what is to be done with such items of flora and fauna. The value of items of flora and fauna such as are mentioned in the first paragraph accrues to the Svalbard Environmental Protection Fund. The Governor may require the payment of compensation equivalent to their value if the

Governor is not given access to the flora and fauna in accordance with this paragraph.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 95 (compensation)

Any person that causes environmental damage by contravening provisions laid down in or under 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

1. 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;
2. the costs of or losses relating to reasonable measures to reduce or mitigate environmental damage or to restore the state of the environment;
3. 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 provisions laid down in or under 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 under 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.

Section 96 (coercive fine)

In order to ensure the implementation of the provisions of this Act or decisions taken under this Act, the Governor or the instance thereby authorised by the ministry 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 or the instance thereby authorised by the ministry. 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.

§ 96a. (administrative fine)

The Governor or the instance thereby authorised by the Ministry may impose an administrative fine on any person who wilfully or negligently contravenes

- a. the provisions of sections 16, second paragraph, 18, second paragraph, 19, second sentence, 26, first paragraph, 27, 28, first paragraph, 29, 30, 30 a, first and second paragraphs, 31, first to third paragraphs, 32, second paragraphs, 33, 35, 42, first and second paragraph, 44, first and third paragraph, 46, first paragraph, 53, first paragraph, 57, first and second paragraph, 58, first paragraph, 62, 64 first, second and fourth paragraph, 65, 66, first paragraph, 67, 68, 70, first to third paragraph, 71, first and second paragraph, 73, second paragraph, 79, second paragraph, 80, 81, 82, first and third paragraph, 82 a, 83, second and third paragraph, 85, first and second paragraph, 86, 93, first paragraph and 94.
- b. conditions or duties arising from individual decisions issued pursuant to sections 22, first paragraph, 26, first paragraph, 27, 30, fifth and sixth paragraph, 31, second paragraph second sentence, 32, third to fifth paragraph, 34, 37, 44, second paragraph, 45, first and fourth paragraph, 46, third paragraph, 54, 57, first paragraph, 58, third and fourth paragraph, 66, third paragraph, 69, 71, first and fifth paragraph, 80, first paragraph (b), 81, first paragraph (c), 82, first paragraph, 83, second paragraph, 85, third paragraph and 93, third paragraph.

In regulations issued pursuant to this Act, the Ministry may stipulate that an administrative fine may be imposed on any person who contravenes the regulations or conditions or duties arising from individual decisions issued pursuant to the regulations.

A final decision on an administrative fine is an enforceable basis for execution proceedings. The courts may review the amount of the administrative fine.

An enterprise may be subject to an administrative fine in accordance with the first to third paragraphs when the contravention has been committed wilfully or negligently by a person acting on behalf of the enterprise. This applies even if no individual is subject to an administrative fine.

The right to impose an administrative fine lapses two years after the contravention ceases. The time limit is interrupted by the issuing of a prior notice or a decision concerning an administrative fine.

Administrative fines are paid to the Svalbard Environmental Protection Fund. The Ministry may issue regulations containing more detailed provisions on the determination of administrative fines, including the amount of the fine.

Added by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332), amended by the Act of 11 June 2021 No. 68 (in force from 1 July 2021).

Amended by the Act of 7 June 2024 No. 30 (in force from 1 January 2025 in accordance with the Royal Decree of 7 June 2024 No. 941).

Section 97 (direct implementation)

In the event of failure to comply with any duties following from this Act or decisions made under the Act, the Governor or the instance thereby authorised by the Ministry may take the measures necessary to ensure compliance with the said duties. Before this is done, the Governor or the instance thereby authorised by the Ministry 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 under the first paragraph, the Governor or the instance thereby authorised by the Ministry may make use of and if necessary cause damage to the property of the person responsible. The Governor or the instance thereby authorised by the Ministry 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 for measures in accordance with the first paragraph may be claimed by the person responsible. The claim is enforceable by execution proceedings.

Section 98 (Svalbard Environmental Protection Fund)

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

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

1. investigations and measures to survey and monitor the state of the environment, the causes of environmental pressure and the environmental impact of activities;
2. restoration of the environment;
3. grants for the management, maintenance and investigations of the cultural heritage in so far as the person responsible cannot be expected to cover the expenses of these measures;
4. 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 under the Public Administration Act.

Amended by the Act of 20 April 2012 No. 20 (in force from 1 July 2012 in accordance with the Royal Decree of 20 April 2012 No. 332).

Section 99 (penalties)

Any person who wilfully or negligently contravenes provisions laid down in or pursuant to this Act is liable to fines or to a term of imprisonment not exceeding one year. If substantial environmental damage or a risk thereof has been caused or the matter involves especially aggravating circumstances, a term of imprisonment of five years may be imposed.

Amended by the acts of 19 June 2015 No. 65 (in force from 1 October 2015), 21 June 2019 No. 54 (in force from 1 July 2019 in accordance with the Royal Decree of 21 June 2019 No. 786, 18 June 2021 No. 122 (in force from 1 July 2022 in accordance with the Royal Decree of 8 April 2022 nr. 570).

Chapter X. Final provisions

Section 100 (supplementary regulations)

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

Section 101 (entry into force)

This Act enters into force from the date decided by the King¹. The King may decide that different provisions shall enter into force on different dates.

¹From 1 July 2002 according to the Royal Decree of 28 June 2002 No. 648.

Section 102 (transitional provisions)

Regulations adopted under the Act of 17 July 1925 No. 11 relating to Svalbard which will be authorised by this Act will remain in effect until the King decides otherwise.

Section 103 (amendments to other Acts)
