

# **Act relating to the management of wild living marine resources (Marine Resources Act)**

## **Chapter 1 Introductory provisions**

### *Section 1 Purpose*

The purpose of this Act is to ensure sustainable and economically profitable management of wild living marine resources and genetic material derived from them, and to promote employment and settlement in coastal communities.

### *Section 2 Rights to resources*

Wild living marine resources belong to Norwegian society as a whole.

### *Section 3 Substantive scope*

This Act applies to all harvesting and other utilisation of wild living marine resources and genetic material derived from them. Wild living marine resources means fish, marine mammals that spend part or all of their life cycle in the sea, plants and other marine organisms that live in the sea or on or under the seabed and that are not privately owned. Nevertheless, the Act does not apply to harvesting and other forms of utilisation of anadromous salmonids as defined in section 5 (a) of the Act of 15 May 1992 No. 47 relating to salmonids and freshwater fish, etc.

To ensure that harvesting and other forms of utilisation take place in accordance with provisions laid down in or under this Act, the Act also applies to other activities in connection with harvesting and other utilisation of catches, such as transshipment, delivery, landing, receipt, storage, production and placing on the market.

The provisions of Chapter 5, cf. Chapters 11 and 12, also apply to activities other than those mentioned above if they have an impact on harvesting and other forms of utilisation of wild living marine resources and genetic material derived from them.

### *Section 4 Territorial extent*

This Act applies on board Norwegian vessels, within Norwegian land territory with the exception of Jan Mayen and Svalbard, in the Norwegian territorial sea and internal waters, on the Norwegian continental shelf, and in the areas established under sections 1 and 5 of the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway.

The King may prescribe that all or part of the Act is to apply to Norwegian land territory on Jan Mayen, Svalbard, Bouvet Island, Peter I's Island and Dronning Maud Land.

Outside the areas mentioned in the first and second paragraphs, the Act applies to Norwegian legal persons in so far as this is not in conflict with the jurisdiction of another state, and for those persons to whom section 5, second paragraph, applies.

### *Section 5 Personal scope*

This Act applies to all persons within the area covered by its geographical scope. Nevertheless, in the areas established under sections 1 and 5 of the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, regulations under the present Act apply to foreign natural and legal persons only if this is laid down in the said regulations.

The Act applies to foreign natural and legal persons in areas outside the jurisdiction of any state if this follows from an international agreement. In such areas, the Act also applies to stateless vessels and for vessels that are assimilated to vessels without nationality.

#### Section 6 *Relationship to international law*

This Act applies subject to any restrictions deriving from international agreements and international law otherwise.

#### Section 7 *Principle for management of wild living marine resources and fundamental considerations*

The Ministry shall evaluate which types of management measures are necessary to ensure sustainable management of wild living marine resources.

Importance shall be attached to the following in the management of wild living marine resources and genetic material derived from them:

- a) a precautionary approach, in accordance with international agreements and guidelines,
- b) an ecosystem approach that takes into account habitats and biodiversity,
- c) effective control of harvesting and other forms of utilisation of resources,
- d) appropriate allocation of resources, which among other things can help to ensure employment and maintain settlement in coastal communities,
- e) optimal utilisation of resources, adapted to marine value creation, markets and industries,
- f) ensuring that harvesting methods and the way gear is used take into account the need to reduce possible negative impacts on living marine resources,
- g) ensuring that management measures help to maintain the material basis for Sami culture.

#### Section 8 *Council for Regulatory Advice*

The Ministry may appoint a Council for Regulatory Advice that can give its opinion before regulations are made under this Act. The Ministry may adopt regulations on the composition of the Council and its tasks. The Council shall include representatives of organisations for the parties that normally have an interest in such cases.

If the Council has given an opinion on regulations made under sections 11–13 or 16, consultation under the provisions of section 37 of the Act of 10 February 1967 concerning Procedure in Cases relating to the Public Administration (the Public Administration Act) is not necessary.

## **Chapter 2 Marine bioprospecting**

#### Section 9 *The conduct of marine bioprospecting*

The King may prescribe that harvesting and investigations in the sea in connection with marine bioprospecting require a permit from the Ministry.

The provisions of this Act apply to marine bioprospecting in so far as they are appropriate.

The King may adopt regulations on marine bioprospecting; these may among other things grant exemptions from provisions made in or under the Act, prescribe the types of information applications shall include, and set out further rules on the types of conditions that may be laid down.

#### Section 10 *Benefits arising out of the use of marine genetic material*

A permit issued under section 9 may lay down that a proportion of the benefits arising out of the use of Norwegian marine genetic material shall accrue to the state.

A permit issued under section 9 may lay down that genetic material and the results of bioprospecting activities may not be sold or communicated to others without the consent of and, if required, payment to the state.

The King may prescribe that if marine bioprospecting or the use of genetic material has taken place without a permit being issued under section 9, a proportion of the benefits such as are mentioned in the first paragraph shall accrue to the state.

### **Chapter 3 Catch quantities and quotas**

#### *Section 11 National quotas, group quotas and district quotas*

The Ministry may prescribe the maximum permitted quantities (national quotas) of wild living marine resources that may be harvested, expressed in terms of weight, volume, number of individuals, the number of days harvesting is permitted, or in other terms. A national quota shall be determined for a specific period of time. When a national quota has been determined, the total quantity of group quotas, research and training quotas and other quotas issued may not exceed the national quota.

The Ministry may prescribe the maximum permitted harvest for each vessel group, gear group or other defined group (group quota). A group quota shall be determined for a specific period of time.

The Ministry may prescribe that part of the national quota or part of the group quota for one or more vessel groups shall be delivered for processing at onshore facilities in particular districts (district quotas). The Ministry may adopt regulations on the allocation of district quotas and conditions for utilising them.

The Ministry may prescribe that part of the national quota or part of a group quota for one or more vessel groups shall be delivered for a specific use or in a particular condition.

Provided that a vessel group is granted reasonable overall fishing opportunities, the Ministry may prescribe restrictions on catches for the vessel group or prescribe that vessels belonging to the group may not participate in certain fisheries.

#### *Section 12 Vessel quotas*

The Ministry may by regulations prescribe quotas for individual vessels expressed in terms of weight, volume, number of individuals, the number of days harvesting is permitted, or in other terms. Such quotas may be prescribed for a specific period of time or per trip, or for a stock or jointly for several stocks.

If an activity is governed by the Act of 26 March 1999 No. 15 relating to the right to participate in fishing and hunting, a vessel quota may only be taken using a vessel for which a commercial permit has been issued, and that may be used for the activity in question under the provisions of the Act relating to the right to participate in fishing and hunting.

If an activity is not governed by the Act relating to the right to participate in fishing and hunting, a quota may be allocated to a natural or legal person. Such allocations may be made conditional on registration in a separate register. The Ministry may adopt further provisions on the register.

#### *Section 13 Quotas for research, monitoring, training and practical testing of gear*

Quotas may be allocated to

- a) research institutions,

- b) any person that is issued with a permit for practical testing in connection with the development of gear, catch methods, etc. under section 66,
- c) monitoring of fishing grounds,
- d) officially approved educational institutions.

Natural or legal persons harvesting from quotas such as are mentioned in the first paragraph may use their own vessels, or hired vessels for which commercial permits have been issued if the activities in question would otherwise be governed by the Act relating to the right to participate in fishing and hunting.

Restrictions on the use of gear for vessels that are not registered in the register of fishing vessels, cf section 22, do not apply to harvesting under this provision.

#### Section 14 *Special quota arrangements*

As a means of adjusting the catch capacity of the fishing fleet to the resource base, the Ministry may by regulations adopt rules providing for higher quotas for individual vessels when other vessels are permanently or temporarily withdrawn from harvesting operations. The Ministry may lay down further conditions for the allocation of higher quotas.

### **Chapter 4 The conduct of harvesting operations and other utilisation of wild living marine resources**

#### Section 15 *Duty to land catches*

All catches of fish shall be landed. The Ministry may by regulations grant exemptions from the duty to land catches and may also prohibit discarding of biological waste.

The Ministry may by regulations lay down a duty to land bycatches of other marine organisms, including plants, marine mammals and seabirds, or a duty to provide reports on such bycatches.

#### Section 16 *The conduct of harvesting operations*

All harvesting and other utilisation of wild living marine resources shall be carried out as in such a way as to minimise impact.

The Ministry may adopt regulations on the conduct of harvesting operations, including provisions on the following:

- a) the periods when harvesting is permitted and times for departure from port,
- b) the number of vessels from different vessel groups that may harvest at the same time in an area,
- c) prohibition of harvesting in certain areas, of certain species or using certain types of gear,
- d) the design, marking, use and tending of gear and other devices used in connection with harvesting,
- e) the maximum or minimum permitted sizes of individual organisms, and requirements for part or all of the harvest to consist only of males or females,
- f) permitted bycatches,
- g) the design and use of harvesting gear to reduce damage to species other than the target species.

#### Section 17 *Loss of gear*

Any person that loses gear or cuts it adrift has a duty to search for the gear. The Ministry may grant exemptions from the duty to search for gear.

The Ministry may adopt regulations relating to reports of gear that is lost or found, including information on what gear was lost and where.

#### Section 18 *Prohibition of the use of explosives, etc.*

It is prohibited to use explosives, firearms or poison in harvesting operations.

The prohibition of the use of explosives and firearms does not apply to the harvesting of marine mammals and large cartilaginous fish. The Ministry may adopt further rules to ensure that the methods used for killing marine mammals and large cartilaginous fish are acceptable.

#### Section 19 *Marine protected areas*

The King may establish marine protected areas where harvesting and other forms of use of wild living marine resources is prohibited. Exemptions may be granted for harvesting activities and other forms of use that will not be in conflict with the purpose of protecting the area.

#### Section 20 *Prohibition on harvesting with trawls and other types of gear in certain areas*

It is prohibited to harvest using trawls inside the territorial limit around the Norwegian mainland, except when trawling for kelp, shrimps or Norway lobster. The Ministry may by regulations grant exemptions from the prohibition set out in the first sentence for certain areas, certain periods of time, harvesting with specific types of trawling gear or harvesting of particular species, and may determine what is to be considered as a trawl under to this section.

The Ministry may by regulations prohibit harvesting using other vessel or gear groups inside the baselines, inside lines drawn at a certain distance from the baselines or within specified positions.

#### Section 21 *Prohibition on harvesting in areas that are affected by pollution*

The Ministry may prohibit or limit harvesting in areas and of species that may be affected by pollution.

#### Section 22 *Angling and recreational fishing*

When harvesting using vessels that are not registered in the register of fishing vessels or from land, no other gear than the following may be used:

- a) handline, fishing rod and similar hand gear,
- b) one mechanised pole-line,
- c) drift nets with a total length of up to 210 metres,
- d) longlines with up to 300 hooks,
- e) up to 20 traps.

These restrictions on the use of gear also apply when several vessels are being used by the same person or persons.

The Ministry may by regulations grant exemptions from the provisions of the first paragraph for the use of beach seines.

The Ministry may by regulations lay down restrictions on catch quantities, stricter restrictions on the gear that may be used, or prohibitions on harvesting in specified areas, if this is necessary for the purpose of resource management.