



# Svalbard Environmental Protection Act

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

Law | Date: 15/06/2001 | [Ministry of Climate and Environment](#)

(<http://www.regjeringen.no/en/dep/kld/id668/>)

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 12. april 2012. Later amendments are not translated.*

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See: [Related regulations](#)

See the treaty of 9 February 1920 and Act of 17 July 1925 No. 11.

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## 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:

1. 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;
2. waste: discarded articles of personal property or substances. Surplus objects and substances from service industries, manufacturing industries and treatment plants, etc., are also considered to be waste, but not waste water or exhaust gases;
3. harvesting: hunting, trapping and fishing;
4. flora: photosynthesising single-celled organisms, algae, lichens, fungi, mosses, ferns and vascular plants that naturally occur in the wild in Svalbard;
5. fauna: single-celled animals, invertebrates and vertebrates that naturally occur in the wild in Svalbard;
6. 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;
7. structures and sites: any element of the cultural heritage that is physically attached to the ground or associated with a specific locality;

8. movable historical object: any element of the cultural heritage that is not defined as a structure or site;
9. permanent resident: a person whose name is validly entered in Svalbard's population register;
10. visitor: any person other than a permanent resident;
11. motor vehicle: engine-powered mode of transport, for use on or off roads;
12. motorised craft: aircraft, hovercraft, ships, boats and other craft propelled by engine power;
13. motor traffic: the use of motor vehicles or motorised craft;
14. activity: single-instance, recurring or continuous undertaking of a commercial or non-commercial nature;
15. 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.)*

## **Section 4 (the environmental protection authorities for Svalbard)**

The environmental protection authorities for Svalbard are:

1. the King;
2. the ministry;
3. such directorate as is decided by the ministry ;
4. 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)**