

# Regulations Relating to Pollution and Waste in Svalbard

**Legal basis:** Issued by the Ministry of Climate and Environment on 3 July 2020 with a legal basis in the Act of 15 June 2001 no. 79 Relating to the Protection of the Environment in Svalbard (Svalbard Environmental Protection Act) Section 66, Section 71, Section 72, Section 88 and Section 100, the Act of 16 February 2007 no. 9 Relating to Ship Safety and Security (Ship Safety and Security Act) Section 31, Section 33, Section 35, Section 37 and Section 38 and the Act of 11 June 1976 no. 79 Relating to Control of Products and Consumer Services (Product Control Act) Section 8.

## Part I. Introductory provisions

### Chapter 1. Purpose, scope and definitions

#### Section 1-1. (*purpose*)

The purpose of these Regulations is to prevent and reduce harm to the external environment in Svalbard resulting from waste and pollution.

Enters into force on 1 Jan. 2021.

#### Section 1-2. (*scope*)

Subject to the limitations imposed by international law, these Regulations apply to the entire land area of Svalbard and its waters extending to the territorial limit.

Chapter 9 also applies to foreign vessels.

#### Section 1-3. (*definitions*)

For the purpose of these Regulations, the following definitions shall apply:

- a. *waste*: corresponds with the definition of waste in Section 3 of the Svalbard Environmental Protection Act, first paragraph (b)
- b. *hazardous waste*: corresponds with the definition of hazardous waste in Section 11-2 of the Regulations of 1 June 2004 no. 930 Relating to Recycling and Treatment of Waste
- c. *pollution*: corresponds with the definition of pollution in Section 3 of the Svalbard Environmental Protection Act, first paragraph (a)
- d. *lawful waste management facility*: undertaking in possession of the necessary permit or approval for receipt and treatment of waste
- e. *planning manager*: landowner or the person authorised for land-use planning pursuant to Section 48 of the Svalbard Environmental Protection Act
- f. *land-use planning area*: area defined as land-use planning area in the Regulations of 28 June 2002 no. 650 Relating to Impact Assessments and Delimitation of Land-Use Planning Areas in Svalbard
- g. *head of undertaking*: person defined as head of undertaking in Section 3 of the Svalbard Environmental Protection Act, first paragraph (o)

Enters into force on 1 Jan. 2021.

## Part II. Pollution

### Chapter 2. Concerning contaminated soil and dredging at sea etc.

#### Section 2-1. (*prohibition against physical alteration of the terrain in contaminated soil*)

No person may physically alter terrain in areas with contaminated soil without permission pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Physical alteration of terrain is defined as excavating, levelling, extracting of material and other alterations that may harm or adversely impact the environment in that existing contamination is spread or rendered less accessible for clean-up operations.

If a physical alteration of terrain in contaminated soil in a land-use planning area will not entail a risk of significant harm or adverse impact on health or the environment, the Governor of Svalbard or person so authorised by the Ministry may decide that it is not necessary to obtain a permit for pollution pursuant to Section 58 of the Svalbard Environmental Protection Act, third paragraph (b).

Physical alterations of terrain in contaminated soil that are necessary in order to conduct repairs to water and sewage works, district heating or other critical infrastructure due to acute incidents, may occur without a permit. Excavated material shall be returned to the same location. In case of a risk of run-off or other spread of pollution in connection with physical alteration of terrain, measures shall be taken to prevent such occurrences.

Enters into force on 1 Jan. 2021.

#### **Section 2-2. (*duty to assess contamination of soil in case of physical alteration of terrain*)**

When physical alterations of terrain are planned in areas where there is reason to believe there may be contaminated soil, the head of undertaking shall ensure that necessary studies are conducted to survey the area and significance of any possible soil contamination.

Enters into force on 1 Jan. 2021.

#### **Section 2-3. (*requirements for content of applications for physical alterations of terrain in contaminated soil*)**

Permit applications for physical alterations of terrain in areas with contaminated soil shall include the information necessary to assess whether or not a permit should be issued, and what conditions should be established. Applications shall at least account for the following:

- a. soil contamination studies that have been conducted
- b. what physical alterations of terrain will be implemented in contaminated soil, and a schedule for the execution thereof
- c. a risk assessment of spread of pollution and possible measures considered necessary to avoid the spread of pollution
- d. the future land use and risk assessment for health and the environment in the short and long term, with accompanying proposals for concentrations of individual substances that can be accepted in the soil
- e. possible measures that should be implemented as a result of the assessment in (d), including a proposed schedule for the implementation of these measures
- f. how contaminated material will be disposed of, and
- g. whether or not there is a need for control and monitoring during and after the physical alteration of the terrain, and, if so, what measures are considered necessary.

Enters into force on 1 Jan. 2021.

#### **Section 2-4. (*prohibition against dredging*)**

No person may dredge at sea without a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Dredging is defined as intentional relocation of material from the seabed, including sludge suctioning, displacement or removal of sediments from the seabed. Dredging does not include erosion resulting from ordinary activities at sea, including ordinary maritime traffic.

Enters into force on 1 Jan. 2021.

#### **Section 2-5. (*prohibition against dumping*)**

No person may dump waste or other material at sea without a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Permits may only be granted for dumping of

- a. dredged material, excavated material and rock, or
- b. other waste/material in exceptional situations where depositing on land would entail unacceptable risk or harm.

Dumping is defined as any intentional disposal of waste or other material at sea for the purpose of waste removal. Dumping does not include disposal of waste or other material relating to or deriving from ordinary operation of vessels, installations or fisheries and fish farming, except when the waste or material has been transported away from the source of the waste for the purpose of waste removal.

Enters into force on 1 Jan. 2021.

#### **Section 2-6. (*prohibition against placement of material*)**

No person may place material at sea for purposes other than that for which it was originally built or constructed without a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58 issued by the Governor of Svalbard or person so authorised by the Ministry.

Enters into force on 1 Jan. 2021.

#### **Section 2-7. (*prohibition against infilling*)**

No person may reclaim land at sea by way of infilling without a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Infilling is defined as any disposal of material at sea or in river systems that expands the land area.

Enters into force on 1 Jan. 2021.

#### **Section 2-8. (*requirements for content in permit applications for dredging, dumping, placing of material and infilling*)**

Permit applications for dredging, dumping, placing of material and infilling at sea shall include the information necessary to assess whether or not a permit should be issued, and what conditions should be established. Applications shall contain information regarding

- a. the purpose of the measure
- b. condition of seabed and nature in the permit area
- c. results from pollution studies, if there is reason to believe that the seabed may be contaminated
- d. the risk of spread of pollution and particles resulting from the measure, and
- e. whether or not there is a need for control and monitoring during and after the measure, and, if so, what measures are considered necessary.

Applications for dredging shall also contain the following information:

- a. amount and area requested for dredging, including maps indicating the area affected by the measure, and
- b. information regarding how dredged material shall be disposed.

Applications for dumping, placing of material and infilling at sea shall also contain information regarding

- a. the material to be dumped, placed or filled in including a map indicating the relevant area, and
- b. the amount of material to be dumped, placed or filled in.

Enters into force on 1 Jan. 2021.

## **Chapter 3. Concerning storage of hazardous waste, petroleum products etc. in tanks**

### **Section 3-1. (*permit requirement for tank storage*)**

No person may store hazardous waste, petroleum products or other hazardous chemicals in tanks, including barrels and cans, unless a permit has been issued pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58 or such storage is permitted pursuant to the provisions of this Chapter.

Hazardous chemicals are defined as

- a. substances that are persistent in the environment, that accumulate in living organisms and which may cause harm even when the substance occurs in low concentrations,
- b. substances that are highly persistent and highly bioaccumulative, and
- c. substances and mixtures of chemicals that are classified according to Article 3 of the CLP Regulation, cf. the Regulation of 16 June 2012 no. 622 Regarding classification, labelling and packaging of substances and mixtures of substances (CLP). (CLP Regulation) Section 1.

Enters into force on 1 Jan. 2021.

### **Section 3-2. (requirements for storage in tanks less than 2 m<sup>3</sup> in land-use planning areas)**

Hazardous waste, petroleum products or other hazardous chemicals may be stored without a permit in tanks less than 2 m<sup>3</sup> in land-use planning areas if

- a. the storage occurs in a sound manner, and
- b. necessary measures to avoid pollution of the environment or harm to humans or fauna are implemented.

The Governor of Svalbard or person so authorised by the Ministry may decide that storage pursuant to the first paragraph nevertheless requires a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Enters into force on 1 Jan. 2021.

### **Section 3-3. (requirements for storage in tanks between 2 m<sup>3</sup> and 10 m<sup>3</sup> in land-use planning areas)**

Hazardous waste, petroleum products or other hazardous chemicals may be stored without a permit in tanks from 2 m<sup>3</sup> up to 10 m<sup>3</sup> in land-use planning areas if such storage satisfies the requirements in Section 3-5 to Section 3-7.

The Governor of Svalbard or person so authorised by the Ministry may decide that storage pursuant to the first paragraph also requires the issuance of a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Enters into force on 1 Jan. 2021.

### **Section 3-4. (requirements for storage in tanks outside of land-use planning areas and in large tanks within land-use planning areas)**

Storage of hazardous waste, petroleum products or other hazardous chemicals in tanks that are 10 m<sup>3</sup> or larger in land-use planning areas requires the issuance of a permit by the Norwegian Environment Agency or person so authorised by the Ministry. The requirements in Section 3-5 to Section 3-7 apply correspondingly.

Storage of hazardous waste, petroleum products or other hazardous chemicals outside of the land-use planning areas that are not covered by paragraph three, requires the issuance of a permit by the Norwegian Environment Agency or person so authorised by the Ministry. The requirements in Section 3-5 to Section 3-7 apply correspondingly.

Storage in or near cottages outside of land-use planning areas of smaller amounts of petroleum products that are necessary for heating or transportation, may occur without a permit. The same applies to smaller amounts of hazardous chemicals for use in households or maintenance of cottages. Storage shall occur in accordance with Section 3-2, first paragraph.

Permits issued pursuant to the Svalbard Environmental Protection Act prior to 1 January 2021 remain valid. In case of conflicts between requirements in a permit and the requirements in Section 3-5 to Section 3-7 the most stringent requirements apply.

Enters into force on 1 Jan. 2021.

### **Section 3-5. (requirements for sound storage and environmental risk assessment)**

Storage shall occur in a sound manner to avoid pollution of the environment or harm to humans or fauna.

The person responsible for the storage shall assess the environmental risk associated with the storage. The environmental risk assessment shall encompass all aspects of the tank storage that may entail a risk of pollution to water, soil and air, including tanks, pipes, associated equipment, installations, activities, operations and possible external impact. It shall also include an assessment of the vulnerability of the environment that may be impacted by pollution resulting from the tank storage.

The environmental risk assessment pursuant to the first paragraph shall be updated in case of changes to storage conditions or other changes that may impact the environmental risk.

Enters into force on 1 Jan. 2021.

### **Section 3-6. (requirements for risk reducing measures)**

The person responsible for the storage shall, based on the environmental risk assessment, ensure the establishment and maintenance of the risk reducing measures necessary to prevent pollution. The following minimum measures shall be implemented:

- a. Persons who participate in planning, operation, inspection, maintenance, emergency preparedness and response system, closure or other operations associated with tanks that are covered by this Chapter, shall have relevant competence.
- b. Tanks and associated pipes shall be secured by necessary barriers to prevent incidents that may result in pollution. A barrier is a technical or organisational function or a measure that is planned, established and maintained to halt events that may result in pollution.
- c. Monitoring shall be established in order to detect pollution or the risk of pollution during filling, draining and other activities associated with the tanks and during periods without such activities. Monitoring measures may be both technical and organisational.
- d. Tanks and pipes shall be labelled with content and other relevant information. The labelling shall be clearly visible and easy to understand for all who may come into contact with the tanks and pipes.

In case of changes that may impact the environmental risk, the risk reducing measures shall be assessed and, if necessary, adapted to the changes in the environmental risk.

Enters into force on 1 Jan. 2021.

### **Section 3-7. (requirements for emergency preparedness and response system against acute pollution)**

The person responsible for the storage shall, pursuant to the Svalbard Environmental Protection Act Section 70, first paragraph, ensure the necessary emergency preparedness and response system against acute pollution. The emergency preparedness and response system shall be adapted to the environmental risk associated with the storage, cf. Section 3-5, and the risk reducing measures, cf. Section 3-6.

The person responsible for the storage shall have written procedures for the handling of acute pollution from tanks and associated pipes, cf. these Regulations, Chapter 11.

Enters into force on 1 Jan. 2021.

## **Chapter 4. Concerning sewage**

### **Section 4-1. (permit requirement for discharge of wastewater)**

No person may initiate the discharging of wastewater without the issuance of a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58 unless the release is permitted pursuant to the provisions of this Chapter.

Wastewater is defined as sanitary and industrial wastewater.

Sanitary wastewater is defined as wastewater that primarily derives from human metabolic processes and household activities, including wastewater from toilets, kitchens, baths, laundry rooms or similar.

Enters into force on 1 Jan. 2021.

**Section 4-2. (*duty to connect to a shared wastewater treatment plant in land-use planning areas etc.*)**

In land-use planning areas, buildings that release sanitary wastewater shall be connected to a shared wastewater treatment plant pursuant to Section 58 of the Svalbard Environmental Protection Act if sewer pipes for such a system are laid in nearby areas.

The duty in the first paragraph also applies to existing structures. The duty only applies to cottages if this has been decided in the plan.

The Governor of Svalbard or person so authorised by the Ministry may issue exemptions from the duties in the first and second paragraphs if costs or environmental conditions so indicate.

For sanitary wastewater, connection pursuant to this provision shall be considered a discharge permit.

The Governor of Svalbard or person so authorised by the Ministry may by way of an individual decision decide that wastewater may be directed to another person's sewerage system.

Enters into force on 1 Jan. 2021.

**Section 4-3. (*requirements for discharges of greywater from cottages in land-use planning areas*)**

Discharges from cottages of up to 3000 litres of greywater may occur without a permit if

- a. the cottage is located in an area designated as a cottage area in the approved plan
- b. there are no requirements regarding connection to a shared wastewater treatment plant.
- c. the discharge occurs into soil that is suitable for infiltration of the water, and
- d. the greywater only comprises ordinary household content.

Greywater is defined as the part of ordinary household wastewater deriving from kitchens, bathrooms and laundry rooms. Wastewater from toilets is not included.

The Governor of Svalbard or person so authorised by the Ministry may demand that discharges covered by the first paragraph nevertheless require the issuance of a permit.

Permits for discharges of up to 3000 litres of greywater from cottages in land-use planning areas issued prior to 1 January 2021 are revoked.

Enters into force on 1 Jan. 2021.

**Section 4-4. (*requirements for discharges of greywater from cottages outside of land-use planning areas*)**

Discharges from cottages outside of land-use planning areas of up to 500 litres of greywater per year may occur without a permit if the conditions in Section 4-3, first paragraph (c) and (d) are satisfied.

The Governor of Svalbard or person so authorised by the Ministry may demand that discharges covered by the first paragraph nevertheless require the issuance of a permit.

Permits for discharges of up to 500 litres of greywater from cottages outside of land-use planning areas issued prior to 1 January 2021 are revoked.

Enters into force on 1 Jan. 2021.

**Section 4-5. (*requirements for discharges of wastewater from vehicle washing facilities*)**

Discharges of wastewater from permanent vehicle washing facilities or similar in undertakings may occur in land-use planning areas without a permit if

- a. the wastewater is discharged to a shared wastewater treatment plant pursuant to Section 58 of the Svalbard Environmental Protection Act
- b. the wastewater is directed via a grit trap or similar treatment system prior to being released into a shared wastewater treatment plant, and
- c. the oil content in the wastewater being released into the shared wastewater treatment plant does not exceed 50 mg/l.

The Governor of Svalbard or the instance so authorised by the Ministry may require that discharges covered by the first paragraph nevertheless shall be regulated by a special permit.

Enters into force on 1 Jan. 2021.

#### **Section 4-6. (additional requirements for wastewater discharged into shared wastewater treatment plants)**

In addition to any requirements established in permits pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58, the Governor of Svalbard or person so authorised by the Ministry may issue regulations establishing requirements for the content, or refuse discharge of wastewater that is released into a shared wastewater treatment plant.

Requirements pursuant to the first paragraph may only be established in order to ensure that

- a. the wastewater treatment plant can satisfy discharge requirements,
- b. the wastewater treatment plant is not damaged,
- c. the operation of the wastewater treatment plant is not impeded, or
- d. to protect the health of personnel who work at the wastewater treatment plant.

Requirements pursuant to the first paragraph cannot be established for sanitary wastewater.

Enters into force on 1 Jan. 2021.

## **Chapter 5. Not adopted**

## **Part III. Waste**

### **Chapter 6. Concerning waste pollution**

#### **Section 6-1. (exceptions from the prohibition against waste pollution in Section 71 of the Svalbard Environmental Protection Act)**

The prohibition against waste pollution in the Svalbard Environmental Protection Act Section 71, first paragraph does not preclude the use of wood and paper as fuel for lighting fires or lighting of stoves in buildings.

The Governor of Svalbard may in special circumstances grant exemptions from the prohibition in the Svalbard Environmental Protection Act Section 71, first paragraph against leaving waste outside of land-use planning areas.

Enters into force on 1 Jan. 2021.

#### **Section 6-2. (duty to set up waste containers)**

Operators of supermarkets, kiosks, cafés or other undertakings where goods are sold that may result in waste pollution of the area surrounding the sales outlet shall ensure that waste containers are set up near the sales outlet.

Operators of undertakings as mentioned in the first paragraph shall otherwise conduct necessary clean-up operations in the area. Operators of temporary stalls, camping grounds or other types of activities within land-use planning areas that result in waste pollution have a duty to conduct necessary clean-up operations.

The Governor of Svalbard or person so authorised by the Ministry may issue orders that are necessary for the implementation of the rules in the first and second paragraphs.

Enters into force on 1 Jan. 2021.

## **Chapter 7. Concerning collection and treatment of waste**

**Section 7-1. (duty of person responsible for land-use planning to establish waste management systems)**

The person responsible for planning in each of the land-use planning areas shall ensure that a sufficient service for collection and receipt of household waste is established. For household waste from cottages, the person responsible for planning is only obliged to establish a service for receipt of waste. Household waste is defined as waste from private households, including larger items such as furniture and fixtures and the like.

The person responsible for planning shall offer collection and receipt of trade waste that, in nature and amounts, is similar to waste that occurs in households. Trade waste is defined as waste from public and private undertakings and institutions.

The Governor of Svalbard or person so authorised by the Ministry may issue regulations deciding that special waste management systems shall be established for certain types of waste, and that certain types of waste shall be kept separate upon collection.

The person responsible for planning shall ensure that collected and received waste is delivered to a lawful waste management facility.

Enters into force on 1 Jan. 2021.

**Section 7-2. (duty of person responsible for planning to prepare waste management plan)**

The person responsible for planning in each of the land-use planning areas shall ensure that a waste management plan is prepared for each land-use planning area. The waste management plan shall contain

- a. an overview of what types and amounts of waste are expected to occur, including the various sources of waste
- b. what systems for collection and receipt are considered necessary to establish in order to fulfil the duty in Section 7-1
- c. a plan for continued treatment of the waste, including where the waste shall be stored on an intermediate basis, to which waste management facilities the waste shall be delivered and how often it shall be delivered onward, and
- d. measures to limit the amount of waste that occurs in the land-use planning area.

The waste management plan shall include both household waste and trade waste and shall be updated as needed.

Enters into force on 1 Jan. 2021.

**Section 7-3. (duty of households to participate in renovation systems)**

Households and cottages in land-use planning areas have a duty to participate in waste management systems established pursuant to Section 7-1, first paragraph, and pursuant to regulations in accordance with Section 7-1, third paragraph, and deliver all their household waste to these systems.

Enters into force on 1 Jan. 2021.

**Section 7-4. (duty of undertakings to deliver trade waste)**

Producers of trade waste shall ensure the delivery of such waste to a lawful waste management facility.

The Governor of Svalbard or person so authorised by the Ministry may issue individual decisions or regulations that make exemptions from the first paragraph, including to permit recycling or other disposal of waste.

The Governor of Svalbard or person so authorised by the Ministry may issue individual decisions or regulations determining that certain types of trade waste shall be treated in a specific manner, including by ordering producers to deliver trade waste to a specific waste management facility.

Enters into force on 1 Jan. 2021.

**Section 7-5. (requirements for handling of waste from demolition and rehabilitation)**

In case of demolition and rehabilitation of buildings, structures or facilities where it is expected that more than 10 m<sup>3</sup> of waste will occur, the head of undertaking shall ensure that a written overview of the waste



expected to occur is prepared, and the planned handling thereof. Building elements, technical installations, furniture and fixtures and similar that may constitute hazardous waste, shall be surveyed.

The head of undertaking shall ensure documentation of where the waste is delivered.

The Governor of Svalbard or person so authorised by the Ministry may issue regulations containing supplementary requirements for handling of waste from construction, demolition and rehabilitation of buildings, structures and facilities.

Enters into force on 1 Jan. 2021.

#### **Section 7-6. (permit requirement for receipt and intermediate storage of waste)**

No person may operate a facility for receipt or intermediate storage of waste without a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

The Governor of Svalbard or person so authorised by the Ministry may grant exemptions from the permit requirement in the first paragraph if the facility does not involve a risk of pollution or appear unsightly.

Facilities established prior to 1 January 2021 may remain in operation without a permit unless the Governor of Svalbard decides that a permit application must be submitted.

Enters into force on 1 Jan. 2021.

#### **Section 7-7. (permit requirement for waste treatment)**

No person may operate a waste treatment facility without a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58.

Enters into force on 1 Jan. 2021.

#### **Section 7-8. (authorisation to issue individual decisions regarding collection, recycling and other treatment of waste)**

The Governor of Svalbard or person so authorised by the Ministry may issue individual decisions regarding

- a. measures to reduce the amount of waste
- b. delivery, collection, receipt, transport, sorting and treatment of waste
- c. the recycling or onward transport for the purpose of recycling of certain types of waste
- d. the transport of waste for treatment elsewhere.

Enters into force on 1 Jan. 2021.

## **Chapter 8. Concerning hazardous waste**

#### **Section 8-1. (requirements for sound storage etc. of hazardous waste)**

Hazardous waste shall be handled in a sound manner. Every person who stores, transports or handles hazardous waste shall take necessary measures to avoid pollution of the environment or harm to humans or fauna.

Undertakings that store hazardous waste shall label containers with their content. Such labelling must withstand foreseeable chemical, physical and climatic impact.

Enters into force on 1 Jan. 2021.

#### **Section 8-2. (prohibition against final disposal of hazardous waste)**

Final disposal of hazardous waste is prohibited. The Norwegian Environment Agency or person so authorised by the Ministry may issue permits for final disposal of hazardous waste in Svalbard if special reasons so indicate.

Enters into force on 1 Jan. 2021.

### **Section 8-3. (duty of households to provide information regarding hazardous waste)**

To the extent possible, households that deliver hazardous waste have a duty to provide information regarding the content of the waste and its properties and ensure that its packaging is labelled with such information.

Enters into force on 1 Jan. 2021.

### **Section 8-4. (duty of undertakings to deliver and declare hazardous waste)**

Undertakings in which hazardous waste occurs shall deliver the hazardous waste to a lawful waste management facility at least once every other year. In case of closure of an undertaking or shutdown exceeding three months, the duty to deliver takes effect immediately.

When delivering hazardous waste to a lawful waste management facility or external carrier, undertakings shall provide sufficient information regarding the origins, content and properties of the waste, so that the continued handling of the waste may occur in a sound manner.

When hazardous waste is delivered to a lawful waste management facility in Svalbard or to an external carrier for shipping to mainland Norway, the undertaking shall ensure that it declares the waste on a declaration form approved by the Norwegian Environment Agency. The waste management facility may declare on behalf of the undertaking if it is difficult in practice for the undertaking to provide such a declaration. The person who declares the waste shall ensure that the declaration form's serial number is clearly stated on the packaging of the waste. Such labelling must withstand foreseeable chemical, physical and climatic impact.

Enters into force on 1 Jan. 2021.

## **Chapter 9. Concerning waste and cargo residue from ships**

### **Section 9-1. (duty to receive waste and cargo residue from ships)**

The operator of the Port of Longyearbyen shall establish and operate a receipt system for waste and cargo residue from ships at the port and is considered to be the port operator pursuant to this Chapter.

The receipt system shall be sufficient to cover normal delivery needs at the port without unnecessarily delaying the ships. The port operator shall ensure that received waste is delivered to a lawful waste management facility.

Waste from ships is defined as any form of waste, including sewage and residue other than cargo residue, that occurs while a ship is operational, and which is covered by annexes I (oil), IV (sewage), V (garbage) and VI (air pollution from ships) to MARPOL 73/78, cf. Regulations of 30 May 2012 no. 488 Regarding environmental safety for ships and mobile constructions at sea as defined in the guidelines for the implementation of Annex V to MARPOL 73/78.

Cargo residue is defined as cargo material in cargo holds or tanks after unloading and cleaning has finished, including residual amounts and spills during loading/unloading.

Enters into force on 1 Jan. 2021.

### **Section 9-2. (fees)**

Costs associated with the receipt and continued handling of waste and cargo residue from ships shall be covered through the collection of waste treatment fees from ships that call in the port. The fee amount shall be determined by the port operator and shall not exceed the costs associated with the receipt system at the port.

Enters into force on 1 Jan. 2021.

### **Section 9-3. (duty to report)**

For ships, except scheduled ships, fishing vessels and pleasure boats approved for no more than 12 people, that call in the Port of Longyearbyen, the ship's captain shall report delivery of waste and cargo residue at the port

- a. no later than 24 hours before call, if the port of call is known,

- b. as soon as the port of call is known, unless this information first becomes available less than 24 hours before the port call, or
- c. no later than upon departure from the previous port, if the journey lasts less than 24 hours.

Reports shall be submitted to the vessel reporting system SafeSeaNet, and the information shall be available aboard the vessel at least before the next port of call and must be available for presentation to the Norwegian Maritime Authority. Ships with frequent port calls within 24 hours and ships that call in ports where no wharfage is paid, shall report to the port where the waste is to be delivered. If the ship's next port of call is located outside of the Nordic countries, a completed report must be available in English.

Enters into force on 1 Jan. 2021.

#### **Section 9-4. (*duty of port operator to notify the Norwegian Maritime Authority*)**

The port operator is obliged to immediately notify the Norwegian Maritime Authority in the vessel reporting service SafeSeaNet Norway when it is uncovered that a ship is not delivering waste in a manner corresponding with what has been reported pursuant to Section 9-3.

Enters into force on 1 Jan. 2021.

#### **Section 9-5. (*waste from pleasure boats*)**

All ports in Svalbard may receive waste from pleasure boats.

Enters into force on 1 Jan. 2021.

#### **Section 9-6. (*supervisory authority*)**

The Governor of Svalbard monitors that the port's duties pursuant to this Chapter are observed. The Norwegian Maritime Authority monitors that the reporting duty in Section 9-3 is observed.

Enters into force on 1 Jan. 2021.

## **Part IV. Fees**

### **Chapter 10. Concerning wastewater and waste treatment fees**

#### **Section 10-1. (*legal basis for issuing regulations regarding wastewater and waste treatment fees*)**

The Governor of Svalbard or person so authorised by the Ministry may issue regulations regarding wastewater or waste treatment fees for a land-use planning area or parts thereof.

Regulations regarding fees shall at a minimum establish

- a. who is required to pay fees cf. Section 10-2
- b. the recipient of fees and rules regarding collection of fees, and
- c. rules governing the calculation of fees.

Enters into force on 1 Jan. 2021.

#### **Section 10-2. (*duty to pay fees*)**

Users or owners of real estate connected to a shared wastewater treatment plant have a duty to pay wastewater treatment fees.

Users or owners of real estate who are required to participate in a waste management system for household waste established pursuant to Section 7-1, first and second paragraph, have a duty to pay waste treatment fees, as are users or owners of real estate that participate in a collection system for trade waste established pursuant to Section 7-1, second paragraph.

The Governor of Svalbard or person so authorised by the Ministry may issue regulations pursuant to Section 10-1 that exempt owners or users of cottages from the duty to pay waste treatment fees pursuant to the second

paragraph if the owner or user is already subject to fees pursuant to the second paragraph for a property used as a dwelling.

Enters into force on 1 Jan. 2021.

### **Section 10-3. (*fee amounts*)**

Wastewater and waste treatment fees established in accordance with these Regulations shall fully cover the costs of investments and operation on the part of operators of wastewater treatment plants or waste management systems. Fees must not exceed the operator's costs.

Fee amounts shall be established based on an estimate of expected total direct and indirect costs associated with the services for the forthcoming years. An overview of costs shall be prepared by operators of wastewater treatment plants or waste management systems.

Enters into force on 1 Jan. 2021.

### **Section 10-4. (*mortgage rights on overdue claims for fees*)**

Overdue claims for fees are secured by mortgage rights on real estate pursuant to Section 6-1 of the Norwegian Mortgage Act. Fees may be collected by the Tax Collector of Troms pursuant to the rules for collection of taxes in Svalbard.

Enters into force on 1 Jan. 2021.

## **Part V. Internal control**

### **Chapter 11. Requirements for internal control in undertakings**

#### **Section 11-1. (*duty to perform internal control*)**

Persons in charge of public or private undertakings shall ensure that internal control is introduced and practiced in the undertaking in order to safeguard requirements regarding pollution and waste established in or in accordance with the Svalbard Environmental Protection Act and requirements regarding products that may result in environmental harm established in or in accordance with the Norwegian Product Control Act.

Internal control is defined as systematic measures intended to ensure that the activities of the undertaking are planned, organised, performed, safeguarded and maintained in compliance with the aforementioned requirements.

Enters into force on 1 Jan. 2021.

#### **Section 11-2. (*content of internal controls*)**

Internal controls shall be adapted to the nature, activities, risk factors and size of the undertaking to the extent it is necessary to observe the requirements mentioned in Section 11-1.

Internal control entails that the undertaking shall

- a. ensure that the acts mentioned in Section 11-1, regulations issued pursuant to these acts that are applicable to the undertaking and any permits and orders are available, and maintain an overview of the requirements that are of particular importance for the undertaking
- b. ensure that employees have sufficient and updated knowledge of, and skills relating to the undertaking's internal control work
- c. establish objectives for the environmental impact of the undertaking
- d. retain an overview of the undertaking's organisation, including how responsibilities, duties and authorisation for the work of ensuring compliance with the requirements in Section 11-1 is distributed
- e. survey risks and problems, and on this basis assess risks, and prepare accompanying plans and measures to reduce the risk factors

- f. implement procedures to uncover, correct and prevent breaches of requirements established in or in accordance with legislation mentioned in Section 11-1, and
- g. conduct systematic monitoring and reviews of the internal control to ensure that it functions as intended.

The requirements in the first paragraph (c) to (g) shall be documented in writing.

Enters into force on 1 Jan. 2021.

### **Section 11-3. (*supervision of internal control*)**

For the requirements established in or in accordance with the Svalbard Environmental Protection Act, the Governor of Svalbard monitors undertakings subject to the Governor of Svalbard's authority and the Norwegian Environment Agency monitors undertakings subject to the Norwegian Environment Agency's authority.

For requirements established in or in accordance with the Norwegian Product Control Act, the Norwegian Environment Agency will monitor unless otherwise follows from separate delegation.

Enters into force on 1 Jan. 2021.

## **Part VI. Concluding provisions**

### **Chapter 12. Joint provisions concerning supervision, penalties etc.**

#### **Section 12-1. (*exemptions*)**

When special reasons so indicate, the Governor of Svalbard or person so authorised by the Ministry may grant exemptions from these Regulations.

Enters into force on 1 Jan. 2021.

#### **Section 12-2. (*supervision*)**

The Governor of Svalbard or person so authorised by the Ministry monitors compliance with these Regulations. The supervisory authority for delivery and receipt of waste and cargo residue from ships follows from Section 9-6 and requirements for internal control follow from Section 11-3.

Enters into force on 1 Jan. 2021.

#### **Section 12-3. (*coercive fines*)**

To ensure that the provisions in these Regulations or decisions pursuant to the Regulations are implemented, the Governor of Svalbard may impose coercive fines pursuant to Section 96 of the Svalbard Environmental Protection Act.

Enters into force on 1 Jan. 2021.

#### **Section 12-4. (*direct implementation*)**

In case of non-compliance with duties following from the Act or decisions issued pursuant to the Act, the Governor of Svalbard or person so authorised by the Ministry may itself implement necessary measures to ensure compliance pursuant to Section 97 of the Svalbard Environmental Protection Act.

Enters into force on 1 Jan. 2021.

#### **Section 12-5. (*penalties*)**

Breaches of these Regulations or decisions pursuant to these Regulations are punishable pursuant to Section 99 of the Svalbard Environmental Protection Act or Section 12 of the Norwegian Product Control Act.

Enters into force on 1 Jan. 2021.

#### **Section 12-6. (*entry into force*)**

These Regulations enter into force on 1 January 2021.

From the same date the Regulations of 24 June 2002 no. 724 Relating to persistent, bioaccumulative and toxic substances, waste and wastewater and waste management fees in Svalbard are repealed. Regulations issued in accordance with the Regulations of 24 June 2002 no. 724 remain in force after these Regulations have entered into force.

**Section 12-7. (*transitional arrangements for permit requirements*)**

Persons in these Regulations who require a permit pursuant to the Svalbard Environmental Protection Act Section 57 or Section 58 must apply with the environmental protection authorities as soon as possible. Necessary permits must be issued no later than 1 January 2023.