



April 20th, 2022

To:

Norwegian Environmental Agency

- Helene Mokkelbost
- Hege Langeland
- Knut Fossum

Norwegian Ministry of Justice

- Marie Korsvoll

C.c.:

Sysselmannen

AECO

Subject: ***Consultation response (or Höringssvar) ref 2021/9496 and 21/4952 – MAKO***

Good morning:

Aurora Expeditions is an award-winning, Australian owned expedition company celebrating its 30th anniversary year. A pioneer in Polar Expeditions, Aurora is truly committed to environmentally responsible travel, we are committed to preserving the beauty and majesty that mother nature possesses, and we take real actions for the care of the planet.

Founded on the guiding principles of adventure and endless exploration, the small ship experience is intimate and friendly, and Aurora Expeditions takes passengers on perspective-altering experiences to some of the most remote and incredible places on earth.

Aurora's two purpose-built ships, the *Greg Mortimer* and our brand-new small expedition ship the *Sylvia Earle*, are both designed for global discovery. The new ship is named after acclaimed marine biologist, oceanographer, explorer and conservationist Dr. Sylvia Earle.

Aurora Expeditions has been operating for nearly 30 years in the Arctic regions visiting Svalbard as well as Greenland providing to our passengers a unique experience which allows them to

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understand better the fragile Arctic ecosystem and appreciate the local communities visited and their lifestyle.

By visiting Svalbard, we feel that we have been contributing to the local economy, as we strive to supply our vessels with local products and engage local assistance for the operation and completion of our cruises in the area. It is to be mentioned that one of the paramount of our operations is maintaining a high safety standard for both our on board and ashore operations and adhering to any SAR requirements.

As part of our on-board client's education, we do run a citizen science program which provides a deeper environmental knowledge of the areas visited as well as actively participating in the Clean Seas / Clean up Svalbard initiatives.

Aurora Expeditions is a founding member of AECO and as such is committed to the self-regulation, wildlife guidelines, measures and standards imposed by said organization. All these would have been impossible without the close work carried on between the local authorities and the AECO members.

We feel that our visits to Svalbard are of a great importance for our guests, as allow them to observe a unique and fragile part of the world, making them understand the importance of preserving these ecosystems in a safe and respectable way. In addition to this, our visits do help the local communities and their economy.

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In view of the above please find below a response to the following regulatory proposals:

1. *Proposal for amendment of Svalbard Environmental Protection Act – and regulations/orders given with authority in this Act from the Norwegian Environmental Agency, with reference 2021/9496; and the*
2. *Proposal for substitution of “Regulations related to tourism” with “Regulations related to field safety” and the proposal to apply the Package travel Act in Svalbard, from the Norwegian Ministry of Justice and the Ministry of trade and industry, with reference 21/4952 – MAKO*

- a. **Proposal for amendment of Svalbard Environmental Protection Act – and regulations/orders given with authority in this Act from the Norwegian Environmental Agency, with reference 2021/9496**

a.1 Close larger national parks and nature reserves for landings from cruise vessels

Landing permitted in 42 sites within protected areas

13 sites with max 39 people (3x 12 pax + 1 guide)

7 sites with area limitations (no long walks)

We do oppose to said proposal based in the following points:

- The national parks and nature reserves have been established also to ensure that people have opportunity to experience and learn from experiences in the wilderness.
- The discrimination in closing areas for groups of more than 39 people
- Expedition cruise tourists visit less than 1% of the area that is proposed to be closed
- No documentation on where the present activities represent a problem, lack of empiric evidence.
- Lack of vulnerability assessments on some of the locations that have been planned to be kept open.
- Lack of vulnerability assessment for the sites that are planned to be closed, no empiric evidence.
- Lack of dialogue with the industry when selecting the sites. Considering that the industry players are the final users of the sites.
- Lack of understanding of operational considerations.
- Who is going to coordinate use of these sites? And how will this be done?

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- Risk of very increased traffic on sites outside protected areas (such as Isfjorden) and conflicts with other user groups. By closing so many sites the natural flow will be to the non-protected areas, hence increasing traffic and usage
- Our operations will be extremely stressed and limited due to these regulations, possibly increasing sailing times and speeds between sites, which could have an undesired effect on the environment.

a.2 *Proposal: Remove the legal requirement to use site specific guidelines in 15 sites in Svalbard (AECO has developed 21 site specific guidelines in Svalbard).*

We do oppose to said proposal based in the following points:

- The 21 site specific guidelines AECO has developed in Svalbard are tools that have been developed to ensure sustainable operations within a legal framework.
- The guidelines have been developed with heavy involvement from researchers, the Governor of Svalbard, the Svalbard Environmental Protection Fund and other experts.
- The guidelines are based on professional vulnerability assessments carried out using accepted methods.
- The industry has taken ownership and has implemented these as standards in their operations.
- The expedition guides are tested in their knowledge of these guidelines.
- The guidelines represent an asset for AECO as AECO can offer these to members. Non-members will have to develop their own site-specific guidelines if they want to land in these areas.
- When operators become members of AECO they are not only committed to site specific guidelines, but to all guidelines, tools and measures enforced by the organization.
- It will be a great loss for AECO and the organized part of the industry if site specific guidelines as a tool is discontinued.
- Site specific guidelines can be an alternative to closing areas.
- Our company does follow stringently said guidelines and throughout our vast experience in the area has seen that said guidelines allow the smallest impact possible in the areas ecosystem. Our impact is only minor and transitory
- If guidelines for 15 specific sites are removed, we feel that the impact on the environment of these 15 sites will be substantial and will happen in a very short time. The impact will stop being minor and transitory

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a.3 *Ensure attentive behavior to avoid disturbance*

Our comments on this proposal are the following:

- What would be considered a path?
- We do provide a degree of wandering freedom to our passengers, so they feel they are not constricted to a regulated group. By forcing them to a path the nature experience will be lost.
- Use of paths vs spreading of traffic are ways that will work differently from one site to the other.
- Cultural remains are already heavily regulated in Svalbard.
- Cultural remains have become cultural remains because they represent an opportunity to experience history and culture. By keeping passengers away from them reduces the historical experience and its appreciation.
- AECO has developed guidelines for cultural remains.

a.4 *Intensification of the ban on seeking out polar bears, and a requirement to keep at least 500 meters distance*

We do oppose to said proposal based in the following points:

- The Norwegian Polar Institute believes today's regulations are sufficient
- Polar bears are already strongly protected
- Polar bears approaching a vessel parked in the drift ice, are not disturbed but curious. They may be disturbed if vessels start navigation
- Experiencing polar bears is a major value in the tourism experience
- There is no empirical evidence, or none has been put forwards to justify those 500 meters is a correct distance from Polar Bears in order to disrupt their natural behavior

a.5 *Keep at least 300 meters from walrus haul outs at sea*

We do oppose to said proposal based in the following points:

- There is empirical evidence that shows no negative impact on walrus from tourism in Svalbard.
- The proposal is pointing to the 300 meters distance being part of a guidelines from Norwegian Polar Institute. This is incorrect. Such an advice is not part of the guidelines (but the guidelines advise landings at least 300 meters from a colony).

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- Seeing walrus as well as Polar bears in their natural habitat is a great experience for our passengers.

a.6 *Prohibition against use of submarines*

We do oppose to said proposal based in the following points:

- Such activity should be regulated instead of banned.
- Banning an activity without strong evidence against it is simply ignoring the facts and acting compulsively to the unknown.

a.7 *Prohibition against use of all kinds of drones*

We do oppose to said proposal based in the following points:

- Such activity should be regulated instead of banned
- Banning an activity without strong evidence against it is simply ignoring the facts and acting compulsively to the unknown.

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b Proposal for substitution of “Regulations related to tourism” with “Regulations related to field safety from the Norwegian Ministry of Justice and the Ministry of trade and industry, with reference 21/4952 – MAKO

b.1 Duty to report operations to the Svalbard Tax office if operations exceed 30 consecutive days in Svalbard or Svalbard waters. See “tax document” for details.

We do oppose to said proposal based in the following points:

- There is no tax-exchange agreement between Svalbard and other countries. Aurora as an Australian operator will be subjected to double taxation.
- There is a Norwegian tax regulation ensuring that Norwegian registered companies will not be subject to double taxation. This does not seem to be in accordance with the equality principle in the Svalbard Treaty, if one takes into consideration Foreign Operators
- Registering tax payment for foreigners requires D-numbers for all that are non-Norwegian.
- The Norwegian registration system is not laid out to handle this.
- A vessel has several “operators” responsible for different parts of the vessel operations. Who will be the responsible parties? The vessel Operator, the vessel Charter, or the Sub-Charter?
- International ship traffic should be handled in accordance with international laws.
- If local tax income is the objective, consider applying a per passenger local tax.

b.2 Proposal: Guide certification system

We do oppose to said proposal based in the following points:

- The proposal does not seem to have the competence as an objective, but rather how this education can support specific institutions and activity in Svalbard.
- The industry has not been involved in developing this proposal, only institutions that will have an economic interest in it.
- Does not seem to value any of the existing and well function educations and tests such as AECO's Field Staff Standards and AECO's Field Staff Online Assessment, nor any types of international certification schemes or education that provide a similar level of competence
- Does not take the high competence and experience in the industry into account.

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- Many guides have more education and competence than the requirements.
- The education in Svalbard is not better than education one can get other places.
- Svalbard will not have capacity. The shooting range capacity is already a major problem.
- It is impossible to send all guides to Svalbard to undertake more than 23 days of courses.
- We must consider that guides have different appointments and do not have, in most cases, 23 days of free time to undergo such course.
- After the course the guides will have to embark and spend another 30/40 days on board, making this work period unrealistic
- The costs for each guide's education in accordance with the proposal, will be between NOK 100 000, - and 200 000,- This is not taking into account airline tickets, lodging, meals and salary.
- If all costs are added, such scheme would be unrealistic, as individual guides, who live in different parts of the world, will not be able to pay for it. In the case of companies, the added costs of the course, flights, salaries, lodging, and meals multiplied by the minimum number of guides required to be on board, would make the cost of the operation rise to unsustainable levels and placing the Operator under the crossroads of either losing money or cancelling their operations in Svalbard all together. Thus, would mean a loss of revenue for the local communities.
- We do believe in the need of a robust Guide Certification system, but this Certification System should be developed with the participation of the Operators, AECO and different stakeholders in the area.

b.3 Foreign Operators to adhere to the Package Travel Act and duty to be a member of the Norwegian travel guarantee fund, applicable in Svalbard

Our understanding is that the Act applies only to Norwegian and EEC registered companies. This would force foreign operators, such as Aurora, to register as a "Norwegian Registered Company" in Svalbard. This is at the present stage quite confusing and needs to be clarified. As if we need to register as a "Norwegian Registered Company" in Svalbard then we would be subjected to taxation, which eventually will be a double taxation.

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Closing comments

We do understand that the growth in tourism is a concern, not only in Svalbard and Norway, but in other parts of the world. We do agree with said concern, but also believe that tourism properly managed can have a positive outcome not only for the environment but to the adjacent communities as well.

In order to properly manage tourism, the different stakeholders have to work together in order to discuss the necessary measures which will allow tourism to be a sustainable industry for the future.

All operators along with AECO have developed a series of guidelines and measures to ensure the tourism sustainability in the Arctic areas and are willing to discuss further their development adjusting them to the potential future challenges

With kind regards

A handwritten signature in black ink, appearing to read "Tomas Holik".

Tomas Holik

Vice President Operations

Aurora Expeditions Pty. Ltd.

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