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Vlissingen, The Netherlands 27th of April 2022

Subject: joint response to the following 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*

Dear Madam/Sir,

I am writing this letter on behalf of our companies Oceanwide Expeditions and Oceanwide Marine Services, both private owned companies from the Netherlands.

Oceanwide was founded more than 25 years ago with a focus on the Polar Regions. For more than 25 years we have brought passengers towards the Polar Regions where we have showed them the beauty of these areas but also have “educated” them. We often say “we bring passengers and take back Polar Ambassadors”.

Oceanwide was one of the founding members of AECO, The association of Arctic Expedition Cruise Operators. We are also a prominent member of IAATO, The International Association of Antarctic Cruise Operators. Both organization focus on the Responsible, environmental friendly and safe tourism to the Polar Regions. We always have put a focus on these important topics and dedicate the time of many of our employees in supporting these organization and allow them to fulfill important roles in these organizations. Currently within AECO we fulfill the following roles; Vice-chair of the executive Committee, Chair of the Marine Committee, member of the Guideline Committee, member on the Clean Ships, Healthy People working group.

Oceanwide was also one of the founding participants of Clean Up Svalbard, a waste removal program supervised by the Governor of Svalbard in coordination with AECO. Where tourist participate in beach clean-ups during their trips in the polar regions. Over the years tons of garbage have been removed from the beaches of Svalbard.

Oceanwide has always committed itself towards the core values of the organizations such as IAATO and AECO. We believe in working together and developing guidelines, self-regulation but also on science based decisions. Other than being a member of AECO and IAATO, Oceanwide is a member of a BIMCO workgroup focused on reducing single use of plastics onboard vessels. BIMCO represents 60% of the worldwide tonnage of vessels.

Our COO has been heavily involved in the development of the Polar Code and other subsequent legislation such as training requirements (STCW) by participating in various sessions at the International Maritime Organizations headquarter in London and elsewhere. The Polar Code is developed to cover a full range of shipping related matters relevant to navigation in Polar Waters with a focus on safety and the protection of the unique environment.

Oceanwide has, also through its membership of the various organizations, worked closely with government authorities such as NMA, Search and Rescue entities in the Polar Areas, EU-PolarNet and many more. Yearly we support various science projects either by funding or by providing in-kind service and/or transportation.

Since its early years of existence Oceanwide has visited the waters around Svalbard and pays a regular visit to Longyearbyen. Our passengers, just as us, are passionate about visiting Svalbard. It even makes them as mentioned above participating in a cruise to clean-up garbage from the beaches.

In the last months of 2021 we were suddenly surprised by a few drastic proposals that will have a huge impact on our operations and our ability to visit Svalbard and its surrounding areas. Where we, as an industry, over the years always have worked WITH the various authorities to come together towards decisions, these proposals came out of nothing and the reasoning behind can be questioned. We strongly believe that the whole process that is being followed is wrong from the beginning. We do think so for the following important reasons:

- Decisions or proposals should be based on (scientific) research and evidence. The current various proposals seem to lack that research background.
- The impact of these proposals are enormous and seem not to be in line with what is said the goal is. Is there a different goal than being mentioned?
- The proposals lack thorough and in deep investigation resulting in wrong assumptions, facts or statistics.
- Advice or experience from experts and researchers has been neglected or ignored.
- Parts of the proposals clearly show a pre-defined biased opinion about tourism, neglecting the positive impact tourism has.
- There has been zero involvement from very important stakeholders such as the expedition industry and others. Organizations and companies that have a huge experience and knowledge about the areas have been completely ignored.
- The impact and assessment of the proposal has not been taken into consideration. In it's current form it brings issues and problems for the industry, local communities, but also for Governmental agencies who all have no idea how to interpret these proposals and regulations and where there is nobody who can provide a clear answer to questions.
- The proposals seem to conflict with the equality principle of the Svalbard treaty and affects for example only one group of tourism or would create unequal treatment between Norwegian operators and non-Norwegian Operators.
- Neglect of the current knowledge and scientific information about tourism impact; Various proposals are neglecting the knowledge on the impact of the current form of tourism. So the wrong basis is being used for the proposals.
- Next to what is stated above as a (not-complete) summary of what lacks the proposals is the fact and timing of the whole process. In a time where the industry, the local communities and the world were suffering from the impact of COVID these proposals have been put to the table with a unprecedented short timeframe and implementation suggestion. This clearly lacks a proper procedural government process.

Entry into force:

The suggested and mentioned entry into force for the year 2023 is unrealistic. Besides the fact that many parts of the proposals can be questioned about their correct procedural approach and process, it is clear to us that big parts of the proposal will need to be redone in a proper way. Therefore we note the time mentioned but on the basis that many parts of the proposal will need to be redone with a consequential delay in the implementation (if any).

As an industry we work years ahead, 3-5 years are standard in planning. We would expect from a government that is considers proper implementation timing in order to allow affected sectors to respond or adapt. The current proposals set aside this principle that one should expect from governments. Where the tourism industry is one of the most affected industries following the pandemic the current proposals could impact the push over the edge for many tourism related companies, local in Longyearbyen but also for remote operators visiting the areas occasionally.

Amendment of the Svalbard Environmental Protection act:

The current proposal consist of closing large parts of Svalbard areas for landings for tourism and would reduce the number of landing sites to just 42 of which 13 only for very small groups.

This proposal seems to lack a scientific basis on why this is decided.

There is no explanation nor scientific evidence why the current activities form a problem.

Expedition cruise companies only visit a very small part of the area considered for closing; only 1% is being visited while 99% of the area is not visited.

The industry with so much local knowledge of the area has not been asked for input at all. We could not find any assessment on the vulnerability of the sites proposed to keep open, nor for those which are planned to close. What has been the justification of this. What has been the decision making factor to pick those sites and either open or close them?

Has been considered what will be the impact of closing large parts of Svalbard in this way. This proposal seems to be contradictory to the goal of a national park and nature reserve; to let people enjoy it in a sustainable way. By closing these large parts of Svalbard for expedition cruise tourism it excludes a specific group of tourism and therefore can be seen as a discrimination or unequal treatment for this group of tourism.

We have not seen any impact assessment for the sites that are considered for remaining open or the consequential impact visiting may have. How would the access to these reduced sites be controlled?

Currently AECO members work together and plan landing at site; but if the Government is limiting access to this 1% how will they control the process about the other sites? Where currently all operations are spread around Svalbard the proposal would force all landings to take place at a limited number of sites. As a consequence this could result in colliding operations and increased traffic around those areas, thus achievement of completely the opposite. The industries ability to control itself and work collectively to spread over the current landing-sites reduces any potential increased impact on one site. The proposal reduces the flexibility that expeditions operations are so known for. With a possibility to spread around we can adapt to circumstances such as ice and weather and make landings at the safest sites given circumstances. If these possibilities are removed there is a potential for increased risk if only few landings sites can be chosen. Therefore we are strongly against this proposal and would ask for it withdrawal.

Remove the legal requirement to use site specific guidelines in 15 sites in Svalbard

The proposal to remove the legal requirement for the use of site specific guidelines is a proposal we would strongly oppose to.

Site specific guidelines have been created in close cooperation with and involvement from AECO, researchers, the Governor of Svalbard, the Svalbard Environmental Protection fund and other experts. As AECO-members we are very proud on these guidelines.

The guidelines are based on professionally vulnerability assessment, based on trusted and accepted scientific methods. These guidelines from a strong basis of what AECO members do. Field staff use these for every landing. Yearly they are asses on their knowledge of these guidelines.

In fact these guidelines provide a tool to have operations being executed in a safer and more responsible way. AECO members commit to use site specific guidelines and therefore removal of such a important tool seems to contradict to what we think the proposal tries to achieve. Site guidelines provide an excellent opportunity to make landings possible while addressing the site specific differences from each site in the correct way.

We would applaud increasing the number of site-guidelines, the industry would be very open to assist again in this and follow the same specific procedural approach as with the development of the other site-guidelines. AECO and it's members consider their 21 developed site specific guidelines as one of the best examples of their safe and responsible approach towards their operations. Removing the requirement would indicate the opposite in our opinion.

Only allow vessels carrying 200 pax or less visit/land passengers in the larger national parks.

We understand the principle of this proposal, whether this number needs to be 200 or max 500 passengers/persons is something that could be discussed. We strongly would support a limitation of no vessels carrying more than 500 passengers/persons in the waters of Svalbard. This has more to do with the size of vessels and the total number of people onboard. Oceanwide would support a limitation of a total number of 500 persons onboard a vessel around Svalbard.

Ensure attentive behavior to avoid disturbance by only walk on paths where these have been established/are visible. Keep distance to protected cultural remains that are not in use.

As in industry we always have always put focus on our behavior ashore or in the areas. Our operations are always carefully planned with a no more than minor or transitory impact. In this proposal it is unclear what means “paths” as these are not always present or is it from an operational standpoint not always smart or safe to keep everybody on that “path”.

Norway mainland is known for “it’s right to roam” or the “allemannsretten” where people are allowed to move around and experience nature, even on privately owned areas. The main rules for that regulations are; be considerate and thoughtful; Exactly the same as we do when we execute landings in Svalbard. While we obviously support a proposal that asks for attentive behavior we strongly object against making use of paths a legal requirement. As when no path is present it would mean a criminal offence straight away.

With regards to the requirement to “keep distance” from cultural remains we oppose. Cultural remains, when visited in the correct way, propose a very good opportunity to learn and see things about a culture, a history or an area. The proposal is as keeping people away from the opportunity to learn history. Cultural remains on Svalbard are very well regulated in its current form.

AECO operators visit these areas in a very controlled way with the respect it requires for. In fact; if it wasn’t for the industry some cultural remains would have been damaged by uncontrolled visiting or beached garbage and litter. The industry always puts their best for protecting these sites. As long as visits are being executed in line with their current requirements and guidelines there is no specific need for additional regulations to “keep distance”.

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

Polar Bears have been a strongly protected species for many years. For years operators have been operating around Svalbard in line with existing regulations. The Norwegian Polar Institute believes that the current and existing regulations are sufficient and do not need any adjustments. The proposal would be ignoring scientist and experts opinions and seem to be based on no specific scientific background, just an opinion.

Polar bears obviously are one of the main items passengers want to see when visiting the Arctic areas. Seeing Polar Bears in wild forms part of the process of creating Polar Ambassadors. During voyages in the Arctic regions passengers are taking along a learning experience by getting lectures but also having their own in field experience. It brings people a complete new perspective where we from experience know that passengers return homebound with a better understanding of what is happening in the Polar regions and their (individually) responsibility to do things different in the future.

Seeing well protected animals in a responsible manner creates that responsibility. Many times vessels just drift and look for Polar bears. Sometimes Polar Bears approach the vessel out of curiosity, if then a forced distance requirement would need to be met the opposite of what one wants to achieve can be the result. A vessel that needs to move itself away from a position might create much bigger disturbance than keeping the vessel in position.

Providing the ability to passengers to see polar bears in their natural environment in a controlled way as we are doing now obviously is a selling argument for our voyages. For us it's a selling argument to create awareness for polar areas.

We strongly oppose to the proposal. Existing knowledge and guidance from experts should be followed and leading.

Prohibition of Ice breaking in fjords and of fast ice

The definitions used in the proposal are not always clear. Recommended would be to use existing definitions as being used in the Polar Code and based on WHO ice nomenclature. Clarification would be needed what is considered newly made ice... So while we could support the proposal about the breaking of fast ice (as per definition given in the proposal) we have concerns about the unclear definitions used in the remainder of the proposal and how this may lead to unwanted situations that would by the letter of the proposal would be a breach but pose no risk in any sort nor would have a negative impact for the environment. If we understand correctly what would be meant by "newly made ice" or "slush" ice is something that could be the result of weather circumstances and happen instantly or overnight if a vessel would be at anchor.

5 knots speed limitation in a distance of 500 meters from selected bird cliffs in the period April 1 – August 31

Oceanwide would be in support of this proposal.

Keep at least 300 meters from walrus haul outs at sea

With this proposal we fail to see the judgement for the number of 300 meters. Many years of research show no negative impact on the walrus from tourism on Svalbard. The proposal seems to make reference about a guideline from the Norwegian Polar Institute. However this is not related to distance from sea. This refers to the distance to land 300 meters from a colony when making a landing. Same as explained above, seeing walrus in their natural habitat on a controlled distance provides passengers with gaining their polar awareness. We would be in support of the proposal if the distance from sea would be set at 100 meter, although that number still could be questioned if it has any scientific evidence. But it would allow us to provide this ability to show to passengers and in that way enlarge their polar awareness.

Prohibition against use of submarines

While we have no strong opinion about this proposal as we currently don't use submarines it is not rules out that we might do in the future. I think there needs to be a clear definition of what would be considered a submarine. What would be the arguments against the use of submarines? They do not necessarily do any harm to the environment. They could have a huge positive impact on (scientific) research. In the future they could potentially used for enhanced safety of navigation. So we would suggest creating a regulation about the correct use of them instead of banning them.

Prohibition against use of all kinds of drones

Oceanwide does not allow the use of drones onboard it's vessels. That is a strict company policy. But we do understand that sometimes drones could be part of research or there might be future use for potentially use for scouting areas. The use of a drone as a safety enhancing device we do not want to rule out, but we are in strong believe that if that would be considered legislation would be adapted accordingly. Therefore we choose not to comment on this proposal at this time.

Duty to report operations to the Svalbard Tax Office if operations exceed 30 consecutive days in Svalbard or Svalbard waters.

While we have executed operations around Svalbard for many years we have never been more than 30 days consecutive in or around Svalbard waters. On each voyage we execute we leave the territorial waters. But the proposal touches on a strict principle. If applied it would create an inequality in taxation. It would lead to double taxation for Non-Norwegian operators. There are no Tax-agreements between Svalbard and Other countries other than Norway. So if we would be taxed for the reason mentioned it would mean that we would be double taxed (as we are also taxable in our won country) compared to Norwegian operators that would only pay taxes once, as there is a regulation that states that Norwegian registered companies will not be subject to double taxation. This is against the equality principle (article 3) of the Svalbard Treaty; Norwegian companies would have an advantage over other companies that are origin from a country that is a signature on the treaty (such as the Netherlands).

While it has not been applied yet, a statement from the Svalbard tax office is indicating that it would even be applied if a vessel would temporarily leave the territorial waters and then return. Even suggesting is something we strongly oppose to. Outside territorial waters vessels are in International waters according Unclos and would mean Norway would tax vessels based upon operations in international waters.

If the objective of this proposal is creating an income for Svalbard there are other ways to do so. In fact the treaty also requires any taxes claimed on Svalbard are being spent on Svalbard. We would have no objection to introduce a sort of per passenger fee that generates income to be spent locally. This is much easier to introduce and also to be executed equally for all

passengers visiting Svalbard. The proposal in its current form would be in our opinion a breach of the Svalbard treaty. We strongly oppose to the proposal.

Systematic health, environment and safety work (HES)

There seems to be a wish to introduce a systematic health, environment and safety work system for work related to tourism. Obviously we have no objection to health and safety. Under our own (and international) (maritime) laws these systems are already in place and being followed. It's a bit unclear on how these would be applied? So we are in principle in support of having a system in place for health, environment and safety but these should not conflict or contradict with already existing (international) accepted systems such as ISM, MLC, ISO and Flag state approved systems.

Guide Certification System

We strongly oppose to the initial proposal as presented in the document and welcome the recent development where the process will be reviewed as per letter of the Governor of Svalbard (21/03522-16). As an industry we agree to the use of competent staff and guides in the field we fail to see how the current proposal is a correct solution to this.

The scheme has been set-up without any input from the Expedition Cruise Industry. AECO already has Field staff standards and demands an online assessment to be executed regular to verify this. Our guide standards that are based on international existing standards. The proposal does not take into account the existing knowledge of guides. There is a huge amount of experience and competence among many guides.

As an company we want to ensure that our staff and guides are meeting certain standards. We are responsible in the end, not the individual staff.

When we looked at the initial proposal it would mean that each staff would need to be more than 23 days on Svalbard to follow courses, but there is no explanation why this would need to be like this. In the current world online-courses or webinars could easily replace a lot of these topics. In our opinion there is no need to physically be present for all of these topics and this looks more like a money generating issue. Svalbard would also simply not have the capacity to meet the demand, at current moment the capacity of the shooting-range is already hardly sufficient.

Sending all guides that would need to be trained to Svalbard for 23 days would be a huge financial burden for companies. These trainings would be in addition to our already existing guide training schemes. We do not only operate on Svalbard, we operate in Polar waters around the world. Where we need to have competent and qualified staff as well. So companies do have standards already in place. The proposal ignores existing training schemes and standards.

There is no justification why this training scheme would be better than other training courses provided elsewhere. The question is also how the areas of training have been chosen ?

One can also question why you would need to cover all topics even if that wouldn't be needed. If you do not offer camping, why would you spend 5 days on training about camping? A dentist is also not trained for doing a surgery to arms or knees... but both a dentist and a surgeon are doctors; each with their own specialty. The same principle should be applied to a training scheme.

We feel that the current proposal is lacking so much on what can be called "proper process" it is lacking the basic and correct approach in developing such a training in a way that this process needs to be redone. The industry should be included in such a process. As a company we set safety and standards at high level. Many aspects of what is in the process is already in place in our own training scheme and requirements.

We strongly oppose against this proposal as presented in the original form and appreciate the withdrawal and restart of the process as recently announced by the Governor of Svalbard in his letter to AECO (21/03522-16).

Application instead of notification of travel

We have no objection in changing to application instead of the used "notification". It provides with the ability to make certain that certain "standard" requirements are in place such as safety management systems, vessel certification, insurance, etc. The process should be clear and traceable. We assume the application comes with a sort of approval for the travel plan. It should be clear what would be reasons for denial (if any) would be and as a follow-up there should be a right to appeal if an application would be denied for unclear reasons.

Making the package travel act and duty to be a member of the Norwegian travel guarantee fund, applicable to Svalbard.

The proposal brings some questions.

As Oceanwide we are already a member of our national guarantee fund (SGR and SGRZ www.sgr.nl and www.sgrz.nl).

So why would we be enforced to become a member of the Norwegian travel guarantee fund as well? What is the basis for requiring double membership for funds that protect travelers? How would this be applied? It most likely will also create issues with claims made. There would be in fact a double cover.

Double insurance occurs when a business has insurance cover in respect of the same risk and subject matter from more than one insurer (the Netherlands guarantee fund and the Norwegian Guarantee fund). Double insurance can lead to insurers arguing about whether they need to pay out at all causing unwanted delay in the processing of claims.

It would create an inequality between Norwegian Operators and non-Norwegian operators again. This would be against the equality principle again from the treaty in our opinion.

So the proposal should be that travelers are covered on a guarantee fund. That is something we can support. We cannot support the requirement to follow the Norwegian travel act and be a member of the Norwegian travel guarantee fund.

As you can see from above arguments we are in the opinion that in these various proposals the incorrect argumentation is being used, the basic principles of process have been neglected and a more than 25 years experienced industry has been strictly ignored.

The expedition cruise industry set's itself through self-regulation a very high standard. For years we have worked in a very pleasant manner with government authorities and organizations such as AECO and IAATO are very well respected by authorities and governments around the globe.

Many of the industry created standards and guidelines have been adopted by Governments at a later stage.

As a Company we are extreme proud to be members of such organizations. Ignoring and excluding important parties in the process of developing new legislation or proposals, proposals that will have such an enormous impact to the existence of members of these organizations, is not following due process.

Organizations such as AECO, but also Visit Svalbard, can play a very important role in the process. For years the industry and AECO have been collaborating with governments to develop safety procedures, environmentally responsible approach and sustainable operations. The experience and huge knowledge we as an industry can provide should not be neglected; the support to science and research provided by the industry is enormous.

We feel that the current approach and the way the process has been applied potentially may lead to a significant damage; damage towards tourism companies, damage to Svalbard and it's community, damage to long and well respected relations between industry organizations such as AECO and government organizations and bodies.

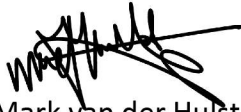
As an industry we understand there might be a concern about growth of tourism on Svalbard but we call upon the Norwegian government to redo the process. Please include us and let us collaborate. Respect the long term experience and safety approach of companies like ourselves.

We have committed ourselves to follow the high standards we have created upon ourselves but other than that we support science, we clean-up beaches and we do have a positive financial impact where the port and people of Longyearbyen benefit from.

There are different ways to achieve what we think to believe is the goal of the proposals. But alternatives may achieve an even better result. Let scientific evidence and expert advice be leading, not opinions. If we would stop and close down the opportunity for people to, in a controlled and sustainable manner, see nature in it's purest form we might miss the opportunity for people around the world to realize what we should protect!

We would like to thank for the opportunity to provide our response towards the proposals. As explained above we only can assume that you agree that there is enough basis to acknowledge that the process has been wrong. And we look forward to move into new discussions and a cooperative manner to work towards a better solution.

With best regards and highest respect,



Mark van der Hulst

COO

Oceanwide Expeditions