



NORWEGIAN MINISTRY OF
THE ENVIRONMENT

Summary

Summary of Proposition No. 52 (2008-2009) to the Storting concerning an Act relating to the management of biological, geological and landscape diversity (Nature Diversity Act)





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1 Summary

1.3 The main elements of the Ministry's proposal

The draft Act is based on the proposal put forward in Official Norwegian Report 2004: 28 on an Act on the protection of the natural environment, landscape and biological diversity by the committee appointed to review the legislation relating to biodiversity, and on the mandate for the committee's work. In addition, importance has been attached to the input the Ministry has received during the public consultation process and the preparation of the legislation.

Maintaining biological, geological and landscape diversity is one of the core areas of environmental policy. At the same time, this is a very complex and difficult task, requiring a coherent policy across all sectors. Over the years, a great deal has been done to integrate biological, geological and landscape diversity considerations into sectoral policies, but we have lacked an underlying common legal approach to this issue.

The present draft Act will provide a coherent, long-term, binding legal framework for conservation and sustainable use of biological, geological and landscape diversity.

The Act is an important instrument for implementing the Convention on Biological Diversity, which is the key international agreement for conservation and sustainable use of biological diversity.

The draft Act is intended to replace the current Nature Conservation Act and parts of the Wildlife Act and the Salmonids and Freshwater Fish Act, but it has a considerably wider scope. The provisions of the draft Act also set out management objectives for habitat types and species, principles for the sustainable use of biological, geological and landscape diversity, and rules on alien organisms, selected habitat types, access to genetic material and enforcement and sanctions.

The draft Act focuses primarily on biological, geological and landscape diversity, while highlighting the need to meet the needs of people and of society as a whole. However, it is emphasised that there are environmental limits that we cannot ignore without repercussions for ourselves or for future generations, cf Article 110b of the Norwegian Constitution.

It is proposed that the Act should apply to all biological, geological and landscape diversity, in other words to diversity at ecosystem, habitat and species level and to genetic diversity within populations of species. Although this is the case, it will be possible to give clear signals as to which species and habitat types it is most important to safeguard, among other things through the provisions relating to knowledge-based management.

The Act will correct weaknesses in the current legislation. For instance, it includes general provisions on invertebrates and plants. Furthermore, it introduces generally applicable management objectives and principles for sustainable use of the natural environment, general rules for harvesting and for alien organisms, and a new set of rules on the collection and utilisation of genetic material. In addition, the Act will improve coordination of efforts to safeguard biological, geological and landscape diversity, since sectors that put pressure on or utilise natural resources will be required to give weight to these objectives and principles (e.g. the precautionary principle, assessment of cumulative environmental effects and the user-pays principle) and rules on selected habitat types in their management activities.

In drawing up the draft Act, important considerations have been the dynamics of natural systems and the need to use a variety of instruments to achieve Norway's target of halting the loss of biological diversity. The Act will contribute to Norway's efforts to achieve Millennium Development Goal 7 (environmental sustainability), in accordance with the target adopted at the Conference of the Parties to the Convention on Biological Diversity and the World Summit on Sustainable Development in Johannesburg in 2002, to achieve a significant reduction of the current rate of biodiversity loss by 2010. Moreover, it will play a part in efforts to achieve the target set by the Fifth Ministerial Conference "Environment for Europe" in 2003, to halt the loss of biodiversity in Europe by 2010. New policy instruments have therefore been developed, and others retained, along a scale from strict protection to general requirements for sustainable use. According to the draft Act, the statutory authority for these instruments will partly be provided by the new Act, and partly by existing acts with amendments.

These instruments can be divided into three main groups:

- Strict protection: protected areas (Chapter V of the Act) and priority species (sections 23 and 24);
- Specific rules on sustainable use: a combination of provisions in sectoral legislation and in the Nature Diversity Act. Rules on specific types of environment (Chapter VI on selected habitat types) or specific threats (Chapter IV on alien organisms) or pressures that may become excessive if no principles are laid down for harvesting (Chapter III on species management). Quality norms for biological, geological and landscape diversity (section 13) may involve a combination of the above;
- General rules on sustainable use: these apply to the natural environment generally. The management regime is based on a combination of rules in sectoral legislation and in the Nature Diversity Act (Chapter II, general provisions on sustainable use).

The draft Act relating to the management of biological, geological and landscape diversity consists of the following chapters:

- Chapter I Purpose and scope, etc.

- Chapter II General provisions on sustainable use
- Chapter III Species management
- Chapter IV Alien organisms
- Chapter V Protected areas
- Chapter VI Selected habitat types
- Chapter VII Access to genetic material
- Chapter VIII Competent authority under the Act, supervision, etc.
- Chapter IX Enforcement and sanctions
- Chapter X Final provisions

In addition, amendments to 15 other Acts are proposed.

The purpose and scope of the act

Chapter I starts with the objects clause of the Act. This has a wide scope and is generally worded, since the Act includes provisions on both sustainable use and conservation of the natural environment. The purpose of the Act is to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use, and in such a way that the environment provides a basis for human activity, culture, health and well-being, now and in the future, including a basis for Sami culture.

In determining the geographical scope of the Act, the Ministry has given weight to the distinction in international law between waters inside and outside the limit of the territorial sea. The Ministry has therefore decided to make the provisions of the Act automatically applicable on land and at sea out to the territorial limit. On the continental shelf and areas of jurisdiction established outside the 12-nautical-mile territorial limit, certain of the provisions of the Act will be directly applicable to both Norwegian and foreign nationals. The phrase “to the extent appropriate” is used to allow for the fact that depending on their substance, some provisions will not apply on the continental shelf but will apply in areas of jurisdiction established outside the territorial limit, or the reverse, or that parts of a provision may not be relevant at sea.

The remaining provisions of the Act will not be made applicable to Norway’s continental shelf or areas of jurisdiction established outside the 12-nautical-mile territorial limit. The Government will make a thorough evaluation of whether and in what way any other provisions are to be made applicable outside the territorial limit.

The provisions of the Act on access to genetic material also apply to Svalbard and Jan Mayen, since there are currently no rules governing this field. The King may decide that other provisions also apply to Svalbard and Jan Mayen

General provisions on sustainable use

Chapter II of the Act contains general provisions on management both under the Nature Diversity Act and under other statutes that affect biological, geological and

landscape diversity. These provisions set out objectives and principles that give clearer substance to the concept of sustainable use.

Chapter II lays down management objectives for both habitat types and species. The objective for habitat types is to maintain their diversity within their natural range and the species diversity and ecological processes that are characteristic of each habitat type.

The objective for species is to maintain them and their genetic diversity for the long term and to ensure that species occur in viable populations in their natural ranges. To the extent necessary to achieve this objective, areas that fulfil specific ecological functions for different species and other ecological conditions on which they are dependent are also to be maintained.

Both public and private actors are required wherever possible to manage the environment in such a way that these objectives are achieved. The management objectives for habitat types and species do not establish specific obligations for the public administration or the private sector, but will be important in interpreting the Act, exercising discretionary powers under this or other statutes, and drawing up legislation.

Even though these objectives do not establish specific obligations, they do provide a framework for action under other provisions of the Nature Diversity Act or other statutes. One such provision establishes a general duty of care, which highlights individual responsibility to act with care. The first element of this is a duty to take steps to find out which elements of biological, geological and landscape diversity may be harmed. This is essential to make the duty of care an effective requirement. The second element is a duty for every individual to do whatever is reasonable to avoid damage to biological, geological and landscape diversity.

The Act sets out some key principles – on knowledge-based management and principles of environmental law – that are to be used as a basis for the exercise of authority under the Nature Diversity Act and other statutes and decisions on the allocation of public grants, and in the management of real property by the public authorities. These principles are as follows:

- knowledge-based management
- precautionary principle
- assessment of cumulative environmental effects
- user-pays principle
- environmentally sound techniques and methods of operation

The draft Act also introduces a general legal authority for the King to establish recommended quality norms for biological, geological and landscape diversity. Such norms may apply to the distribution or abundance of particular habitat types or species or to other factors of importance for biological, geological or landscape diversity. Such norms will serve as guidelines for the exercise of public authority. The

scope of this provision is delimited in relation to the Pollution Control Act and the Water Resources Act.

Chapter II also includes a provision requiring measures under the Nature Diversity Act and other statutes to be weighed against other important public interests. A second provision requires due importance to be attached to the natural resource base for Sami culture when decisions that directly affect Sami interests are made under the Act.

Species management

Chapter III of the Act contains provisions on species management. A general management principle for harvesting and other removal of species is proposed in section 15. This means that the rules for harvesting and other removal of terrestrial and freshwater species (animals, plants and fungi) follow from the Nature Diversity Act. For wildlife species and salmonids and freshwater fish, harvesting and other removal are permitted if the authorities have made a decision to this effect. For invertebrates, plants and fungi, a somewhat more flexible system is proposed to ensure sound but also appropriate management.

Rights to harvest or otherwise utilise wild living marine resources follow from the Marine Resources Act. This means that the provisions on harvesting and other removal set out in sections 16, 20 and 21 of the Nature Diversity Act will not be applicable to marine living resources. However, section 1 (purpose) and Chapter II (general principles of sustainable use) of the Nature Diversity Act will supplement the Marine Resources Act when the fisheries authorities make assessments and decisions on rights to harvest or otherwise utilise wild living marine resources under the Marine Resources Act.

It is a condition for harvesting that the best available documentation indicates that the species in question produces a harvestable surplus. In making decisions concerning harvesting, importance shall also be attached to factors including the function of a species in the ecosystem and its importance as food or for recreation.

Specific decisions on harvesting are to be made under the Salmonids and Freshwater Fish Act or the Wildlife Act within the framework provided by the Nature Diversity Act. In the case of stocks that are managed jointly with another state, it is proposed that the above-mentioned principles should be applied as far as possible.

The draft Act also authorises the removal of vertebrates for a number of purposes other than harvesting, for example the killing of wildlife to prevent injury or damage or danger to people or property, provided that certain criteria are met. These provisions are based largely on similar provisions in the current Wildlife Act.

The proposed provisions on priority species largely maintain the protection powers given by the current Nature Conservation Act. The King in Council may make regulations determining which species are to be designated as priority species. If a species is endangered, the authorities have a duty to consider whether it is necessary and appropriate to designate it as a priority species. In addition, a provision making it

possible to protect areas with specific ecological functions for priority species is proposed, to be applicable on land but not in the sea. The considerations required to be taken into account must not render current use of the areas significantly more difficult.

In cases where it is necessary to take active steps to follow up priority species and areas with special functions for such species, action plans must be drawn up. A grant scheme for such action plans is to be established.

Alien species

Chapter IV is intended to provide a set of coherent rules governing the introduction of alien organisms. This is the first time such rules have been implemented in Norway. These provisions will ensure that there are common principles and norms for different routes of introduction and all types of organisms.

The following provisions on intentional actions resulting in the import and release of alien organisms are proposed:

- a duty of due care that applies to any person who releases organisms or who initiates activities that may result in the spread or release of alien organisms;
- a requirement that applications to release alien organisms shall clarify the possible effects of such release on biological diversity;
- a requirement that a permit shall not be issued if there is reason to believe that the import or release will have substantial adverse impacts on biological diversity.

Certain exceptions to the requirement to obtain a permit for the release of alien organisms are proposed. For example, no permit is required for the release of organisms for which an import permit has already been granted, if the permit was granted on the understanding that the organisms were to be released into the environment. As a general rule, no special permit is required to import plant species and sow or plant them in gardens and other cultivated areas if the plants are not likely to spread beyond such areas. The release of organisms to aquaculture facilities is also excepted from this requirement if a permit has been issued under the Aquaculture Act. Live storage of wild-caught fish is not considered to constitute the release of alien organisms.

For all species groups, provisions are proposed giving the competent authority under the Act the legal authority to take measures to eradicate, contain or control alien species that are a threat to the natural flora or fauna or other important public interests, notwithstanding the management principle. These rules apply irrespective of how the organisms in question entered the Norwegian environment. The provisions on eradication, containment and control of alien organisms are not grouped in Chapter IV, since many of the necessary measures will also be applicable to other matters that are regulated under the Act. The relevant provisions are mainly to be found in Chapters II, III, V and IX.

Protected areas

Chapter V of the Act replaces the corresponding provisions of the Nature Conservation Act. The main features of area protection have been retained, but have been modernised in several ways to make them clearer and more predictable.

These provisions are adapted to the protection of areas both on land, including river systems, and in the sea out to the 12-nautical-mile limit. Decisions on the protection of areas are to be made by the King in Council.

A general provision is introduced setting out the purposes for which protected areas may be established. These primarily reflect the need to protect the environment, including areas that have been influenced by human use through the ages. The establishment of protected areas is not proposed as an instrument for favouring certain forms of use over others. In cases where the wording of the purposes mentions the use of the environment, this is to highlight forms of use that may have a positive impact on the conservation value of an area. The establishment of protected areas is based on the premise that there is a value in giving certain areas better protection than others on the basis of specific criteria.

The development of ecological networks is one of the purposes of protecting areas. The intention is for it to be possible to include areas and habitat types that can be safeguarded under other provisions in the Nature Diversity Act or other statutes in such networks.

The regulations for a protected area may include provisions regulating any activities and access or passage that may undermine the purposes of such protection.

The following current categories of protected area are retained: national park, protected landscape, nature reserve and habitat management area. The categories natural monument and protected river system are discontinued. The legal authority to protect plant and animal habitats has been moved from the Wildlife Act and the Salmonids and Freshwater Fish Act to the Nature Diversity Act, where they have been combined in the category habitat management area. Although the category natural monument is not included in the new Act, protection under earlier legislation will be upheld. In addition, a new category of marine protected areas has been established.

The category national park will continue to mean large areas of natural habitat that are largely undisturbed and have distinctive qualities. There is no longer a requirement that national parks must be established on areas of land that are owned by the state.

The meaning of the category protected landscape has been clarified to ensure that the character of the landscape as a whole is the essential basis for protection, rather than individual species. However, other forms of protection may be combined with landscape protection in part or all of a protected landscape. Habitat management areas may be particularly appropriate in this context. The possibility of adopting a zoning plan under the Planning and Building Act that is contrary to the purpose for which a protected landscape was established has been abolished. Landscape protection as defined in the proposal is a mild form of protection, since activities that are already in

progress can as a general rule be continued. Both natural and cultural landscapes may be included in protected landscapes.

The category nature reserve has been expanded to include areas that are not undisturbed but that are important for biological, geological or landscape diversity. Thus, nature reserves may include areas that are not free of human intervention, but where key ecological functions have nevertheless been maintained, and where further intervention should be avoided. They may also include areas where semi-natural biological diversity is of high conservation value, and that should be strictly protected against further human intervention, but should at the same time be actively managed. Distinctive geological features may also be protected as nature reserves. In some cases, the category nature reserve will thus replace the current category natural monument.

According to the draft Act, the category nature reserve will be strictly protected, as is the case today, and most activities may be prohibited if this is necessary to achieve the purposes of protection.

The category habitat management area will replace the legal authority to protect plant and animal habitats currently provided by the Nature Conservation Act, the Wildlife Act and the Salmonids and Freshwater Fish Act. The key issue here is the needs of one or more specific species. A habitat management area may be established to provide protection for any species. The current requirement of the Nature Conservation Act that the species in question must be protected no longer applies.

A new category, the marine protected area, has been established to take into account differences between marine and terrestrial environments. The provisions are adapted to conditions in the sea. The Ministry considers it to be appropriate and more flexible not to be tied to different protection categories as is the case on land. Marine protected areas may be established to safeguard valuable marine areas that are ecologically necessary for terrestrial species as well as to maintain the conservation value of such areas.

For large protected areas (national parks and protected landscapes) a draft strategic management plan must be submitted at the latest when a decision is made to protect the area.

The Ministry considers that there should be a clearer focus than today on maintaining or restoring the qualities of an area that were the basis for the decision to protect it. This perspective has been incorporated into several of the provisions of the Act, including those on protected landscapes and nature reserves, and those on management.

The draft Act includes a general rule permitting exemptions to be granted from a protection decision provided that this is not contrary to the purpose of the decision and will not have a significant impact on the conservation value of the area, or if it is necessary for safety reasons. The grounds for an exemption shall indicate how its possible impact on the environment has been evaluated. Exemptions may also be granted if important public interests indicate that this is appropriate.

The current provision on temporary protection is retained in the draft Act, but such that decisions have effect for a maximum of four years, with a possibility of extension for up to two years. The King is also given the legal authority to make decisions on temporary protection of specific habitat types. This allows for more general temporary protection than under current legislation, which requires it to apply to a specific geographical area.

In addition, the draft Act introduces general powers to reject applications for projects in an area for which a protection proposal has been announced. Permits for such activities may only be issued if the project in question will have no significant impact on the purpose of the proposal. If important public interests make it necessary, the King may nevertheless grant permits for such activities. The draft Act also provides the authority to require notification of projects for which no permit is required within a proposed protected area.

No major changes are proposed in the administrative procedures for protected areas. However, cooperation with landowners, rightsholders, interested commercial parties, the local population and Sami cultural and business interests is more strongly emphasised than in current legislation. In practice, this approach is already being followed to a large extent. Furthermore, protection processes under the Nature Diversity Act are to be better coordinated with planning under the Planning and Building Act, particularly during the initial phases of such processes. The combination of the Nature Diversity Act and the Planning and Building Act is intended to provide a better basis for assessing how best to ensure conservation and sustainable use of areas of natural environment. The application of these provisions to voluntary protection processes is also clarified. If a protection measure affects Sami interests, close cooperation shall be maintained with the Sámediggi (Sami parliament).

The draft Act introduces common rules on compensation for restrictions on rights of use in connection with the protection of areas, which apply to all categories of protected area. As a general rule, the owner or rightsholder in property that is protected is entitled to compensation from the state for financial losses incurred because current use of the area is made more difficult. Certain amendments to administrative procedure are also proposed to reduce the costs of compensation cases.

Selected habitat types

Chapter VI of the Act on selected habitat types is intended to safeguard endangered and vulnerable habitats through sustainable use. These provisions are of crucial importance for compliance with international obligations and for achieving the national target of halting the loss of biological diversity.

This system will involve a clear ranking of priorities, since some habitat types will be classified as more important than others. This will give a more predictable situation and make management more effective in cases where biological, geological or landscape diversity is affected. The provisions will function as governmental

guidelines for priorities and coordination, and target both central government and local authorities and the private sector.

The authorities will continue to apply existing instruments, for example those set out in the planning part of the Planning and Building Act, to the designated habitat types, but they will be required to take particular account of the possible impacts of activities on such habitat types, and procedures will be better coordinated.

The system is based on the concept “habitat type”, which includes both large ecosystems such as old-growth deciduous broad-leaved forest and river deltas and small biotopes such as old trees, farm ponds, hedges and heaps of stone cleared from fields. Geological features are also included in the definition.

The King in Council will make regulations designating specific habitat types as selected. Such regulations may also specify whether all areas of a habitat type are to be included, or only certain of them.

A key criterion here is whether the habitat type is in danger of being lost in Norway. In such cases, the provisions not only provide the legal authority to designate the habitat type as selected, but lay down a duty for the authorities to evaluate whether such designation is necessary and appropriate. This is a parallel to the proposed rules for designating priority species.

The intention is to give the municipalities a key role in the management of selected habitat types through the Planning and Building Act and other legislation. A municipality may choose not to protect one specific area of a selected habitat type, but designate it for another purpose in its land-use plan. However, in its assessment under the Planning and Building Act, the municipality would be expected to take particular account of the need to avoid reduction of the range of the habitat type and deterioration of its ecological status. Such assessments must also be submitted to the relevant central government authorities.

Special provisions are proposed to ensure the protection of selected habitat types in forestry and agricultural properties. These establish a notification requirement for all forestry and agricultural projects that will have an impact on selected habitat types. This is because many types of forestry and agricultural projects do not require a permit.

In cases where active management of a habitat type is needed, an action plan shall be drawn up. A grant scheme for the preparation of such action plans will be established. The allocation of grants is to be considered in conjunction with the financial instruments available to the different sectors. Management measures in selected habitat types may only be carried out in consultation with the landowner.

Access to genetic material

Chapter VII on access to genetic material is new in Norwegian law. Importance is attached to the management of genetic material by the state, as a common resource that belongs to Norwegian society as a whole. The utilisation of genetic material must be to the greatest possible benefit of people and the environment in both a national

and an international context. Due regard must also be paid to fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, in such a way as to safeguard the interests of indigenous peoples and local communities. This takes into account key principles of the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture, including considerations of sustainable use.

The King in Council may make regulations under the Act introducing a general requirement to hold a permit for collection and utilisation of genetic material. This provision only applies to genetic material collected from the natural environment. Removal from public collections and collection for use and further breeding and cultivation in agriculture and forestry are excepted from the requirement to hold a permit.

Moreover, the Ministry proposes that the King may make regulations prescribing that the benefits arising out of the collection and utilisation of genetic material from Norway shall accrue to the state. Both monetary and non-monetary benefits may be regulated.

In the sea, the provisions of the Nature Diversity Act will apply together with those of the Marine Resources Act. The two Acts contain very similar provisions on permits for harvesting biological material and sharing of the benefits arising from such activities. There are plans to regulate collection and utilisation in one set of regulations under both these acts, so that only one application process is necessary. The provisions on access to genetic material apply both on land and in the sea.

Separate provisions on access to genetic material in public collections in Norway have been introduced. These require any person who manages such collections to register any genetic material removed from the collection and provide public access to such information. The draft Act also lays down that any person who receives genetic material derived from a public collection shall refrain from claiming intellectual property rights or other rights to the material that would limit its use for food or agricultural purposes. One purpose of this provision is to implement the rules on the Multilateral System under the International Treaty on Plant Genetic Resources for Food and Agriculture.

Furthermore, rules are proposed to ensure that collection and utilisation of genetic material from other countries is carried out in accordance with the provisions of the Convention on Biological Diversity. These include a provision that the import of genetic material for utilisation in Norway from a state that requires consent for collection or export of such material may only take place if such consent has been given and in accordance with the conditions laid down for such consent. This will make it possible to enforce the requirement for consent in Norway.

It is further proposed that information on the provider country or country of origin shall accompany genetic material that is utilised in Norway. Information on any use of the traditional knowledge of indigenous peoples or local communities shall also accompany the material if regulations to this effect have been laid down.

A provision on implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture in Norwegian law has also been included.

Supervision, enforcement and sanctions

Chapters VIII-IX of the Act contain provisions on supervision, enforcement and sanctions. The current Nature Conservation Act, Salmonids and Freshwater Fish Act and Wildlife Act include little in the way of such provisions, whereas they do form part of the Pollution Control Act and the Svalbard Environmental Protection Act.

In particular, there are provisions on:

- supervision and monitoring
- investigation and the duty to provide information
- measures to remedy or mitigate the impact of unlawful activities
- measures to deal with unforeseen environmental impacts of lawful activities
- coercive fines.

There are important new provisions on environmental compensation. The duty to pay such compensation will take effect when an order has been made by the competent authority. An order to pay compensation may be issued to any person who has contravened provisions laid down in or under the draft Act, or under other legislation if it serves to implement the objectives and principles of the Nature Diversity Act.

The legal authority to impose penal measures is proposed primarily for the provisions of the act that lay down specific duties or prohibitions, and such that wilful contravention or gross negligence is the criterion for guilt. For more general provisions such as the duty of care, no penalties are proposed either for wilful contravention or for negligence.

The draft Act also proposes that a register of environmental decisions may be established by regulations. There would be a requirement to enter decisions on matters such as priority species, protection of areas, temporary protection and exemptions in the register.

Competent authorities under the Act

The authority to make individual decisions or to implement measures on its own initiative is generally assigned to the “competent authority under the Act.” The highest authority under the Act is the King. However, in the case of an individual decision or a measure implemented on the initiative of an authority, the intention is generally that authority should initially be exercised at a lower level. In most cases, this will mean the environmental authorities, but in some cases it may be appropriate to delegate authority to other ministries or their subordinate agencies.

In cases where legal authority under the Nature Diversity Act replaces or supplements legal authority under current legislation (Nature Conservation Act, Wildlife Act, Act relating to the regulation of imports and exports, Salmonids and Freshwater Fish Act), the competent authority will generally be the same administrative agency as at

present. However, the draft Act specifies that the authority to make decisions on the protection of areas, priority species and selected habitats formally rests with the King in Council, with the Ministry of the Environment as the competent authority. The authority to issue individual permits for the import and release of alien organisms will normally be delegated to directorate level.

In cases where authority under the Wildlife Act or the Salmonids and Freshwater Fish Act is currently delegated to the municipalities, the intention is to retain this system. Moreover, the draft Act proposes a duty of notification for forestry and agricultural projects that affect areas of selected habitat types, and clear legal authority for delegating responsibility for managing protected areas to the municipalities.

In addition, the municipal authorities will have a substantial share of the responsibility for applying the principles of environmental law and the rules on selected habitat types set out in the Nature Diversity Act in their management activities under other legislation, particularly the Planning and Building Act.

Unless otherwise provided, the Directorate for Nature Management is the appeals body for decisions made by the municipalities under the Nature Diversity Act.

Final provisions

Chapter X of the Act repeals the Nature Conservation Act and parts of the Wildlife Act and the Salmonids and Freshwater Fish Act. The transitional provisions also make it clear that regulations, individual decisions and decisions on delegation of authority under provisions that are repealed or amended by the new Act will continue to apply until the King decides otherwise. Special transitional provisions are proposed on exemptions and compensation in connection with the protection of areas.

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