



# Regulations relating to the protection of the environment and safety in Antarctica

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The purpose of these Regulations is to protect the Antarctic environment and its dependent and associated ecosystems and the intrinsic value of Antarctica, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research.

*The translation is not official; it is provided for information purposes only. In the event of any inconsistency, the Norwegian version shall prevail.*

## Chapter 1. Introductory provisions

### § 1. Purpose

The purpose of these Regulations is to protect the Antarctic environment and its dependent and associated ecosystems and the intrinsic value of Antarctica, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research. The Regulations also aim to ensure that all activity in Antarctica covered by the Regulations is carried out in a safe and self-sufficient manner. These considerations shall be fundamental to the planning and implementation of all activities in Antarctica.

## § 2. Scope

The Regulations apply, throughout Antarctica, to:

- a. Norwegian nationals
- b. Norwegian legal persons
- c. Norwegian ships and aircraft
- d. foreigners resident in Norway
- e. foreigners who participate in or are responsible for activity in Antarctica which is organised in Norway or proceeds directly from Norway to Antarctica.

On Dronning Maud Land and Peter I øy the Regulations also apply to anyone who is staying there or is responsible for activity there, refer to § 9.

However, the Regulations do not apply to persons staying in Antarctica as part of an activity approved by another State which has corresponding provisions and is a party to the Protocol on Environmental Protection to the Antarctic Treaty, or that are responsible for organising such an activity.

The Regulations do not apply to fishing activity or vessels sailing in the open sea.

## § 3. Definitions

For the purposes of these Regulations, the following words or phrases are assigned the following meanings:

- a. Antarctica: the area south of the 60th south latitude.
- b. activity: any kind of operation that takes place in Antarctica, including tourism and research, with the exception of fishing activity or vessels sailing in the open sea, refer to § 2.
- c. party responsible for the activity, responsible operator, etc: any legal or natural person, whether governmental or non-governmental, that organises activity to be carried out in Antarctica. Natural persons who are employed by, are suppliers or subcontractors to, agents of or in any other way provide services to a governmental or non-governmental natural or legal person that

organises activity to be carried out in Antarctica are not counted as a responsible operator. Legal persons that are suppliers or subcontractors of an activity which is organised on behalf of a State operator are also not counted as a responsible operator.

- d. case of emergency: a situation involving acute danger to a person's life or health or an acute danger of considerable material damage.
- e. environmental emergency: any incident which has resulted in or entails an imminent danger of a considerable harmful effect on the environment in Antarctica.
- f. response action: reasonable measures undertaken after an environmental emergency has arisen in order to avoid, minimise or contain the impact of that environmental emergency. Response action includes the determination of the scope and effect of the environmental emergency and may include cleaning up.
- g. ship: a vessel of any kind that operates in a marine environment.
- h. SDR: special drawing rights, a unit of value determined by the International Monetary Fund.

## **§ 4. Relationship with the exercise of authority by other States**

Criminal prosecution for a breach of these Regulations may only take place following the consent of the Ministry of Foreign Affairs in cases when:

- a. the act was committed by a person who is not a Norwegian national or resident of Norway, or
- b. the act was committed elsewhere than in Dronning Maud Land or on Peter I øy.

## **Chapter 2. General provisions**

### **§ 5. On activities in Antarctica in general**

Activities in Antarctica shall be planned and conducted so as to have the least possible effect on the environment in Antarctica and dependent and associated ecosystems and so as to preserve the value of the region for research. In this connection, activities must be prevented from leading to:

- a. effects on the climate or weather patterns,
- b. effects on air or water quality,
- c. changes in the atmospheric, terrestrial, glacial, limnetic or marine environments,
- d. changes in the distribution, occurrence or productivity of species or populations of animals or plants,
- e. risks to vulnerable or threatened species or populations of such species,
- f. risk of damage to areas of biological, scientific, historical or aesthetic importance or of significance to the region's nature as a wilderness, or
- g. damage or other degradation of historical sites and cultural heritage.

Activities in Antarctica shall also be planned and executed in a safe and self-sufficient manner. Any possible risks of danger to life or health posed by the activity shall be identified and reduced in so far as possible.

## **§ 6. Prohibition against extracting mineral resources**

Any activity relating to mineral resources, with the exception of research, is prohibited.

The Norwegian Polar Institute decides in each case what constitutes research.

## **§ 7. Inspections**

Observers designated by Antarctic Treaty Consultative Parties and Antarctic Treaty Consultative Meetings shall have full access to all parts of stations, installations, equipment, ships and aircraft which are open to inspection pursuant to the Antarctic Treaty.

## **§ 8. Cases of emergency**

The provisions in the present Regulations do not apply to cases of emergency.

Measures implemented in a case of emergency shall be notified to the Norwegian Polar Institute as quickly as possible.

## **Chapter 3. Requirements as to activity in Antarctica**

### **§ 9. Duty to give notice of activity in Antarctica**

A party organising any kind of activity in Antarctica shall notify the Norwegian Polar Institute at the latest one year before the activity is planned to start. The same applies to plans for any previously unnotified change in an activity. The Norwegian Polar Institute may agree to a shorter deadline in individual cases, refer to § 36.

The notification shall include the name of the responsible operator and the scope of the activity, including an initial environmental evaluation, refer to § 16, and the technology and measures that will be used to limit any harmful effects. The notification shall also contain information on how the requirement of insurance or an equivalent guarantee pursuant to § 12 is to be met before the activity starts.

Contingency plans in accordance with § 10 and § 11 are to be enclosed with the notification.

The Norwegian Polar Institute may issue more detailed guidelines on the information and assessments that a notification must contain.

If the Norwegian Polar Institute does not make a decision based on the notification at the latest within two months before the activity is planned to start, the activity may be carried out in accordance with that stated in the notification.

### **§ 10. Requirement of preparedness for an environmental emergency**

The responsible operator shall undertake preventative measures to reduce the risk of environmental emergencies and the potential environmental damage caused by any such environmental emergency.