

# Regulations relating to ports and fairways in Svalbard

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**Legal basis:** Adopted by the Norwegian Ministry of Transport 12 March 2021 pursuant to section 2 of Act no. 70 of 21 June 2019 Relating to Ports and Fairways (the Ports and Fairways Act, *Havne- og farvannsloven*), cf. formal delegation no. 873 of 21 June 2019.

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## Chapter 1. Ports and fairways in Svalbard

### Section 1. *Application of the law in Svalbard*

The Ports and Fairways Act is in effect in Svalbard, including territorial waters and internal waters, with the adjustments stated in these regulations. Nonetheless, this does not apply to section 8 of the Ports and Fairways Act.

### Section 2. *Application of regulations in Svalbard*

Regulations issued pursuant to the Ports and Fairways Act are in effect in Svalbard with the adjustments stated in section 3.

The following regulations are nevertheless not in effect in Svalbard:

- a. Regulations no. 1834 of 11 December 2019 relating to fairways.
- b. Regulations no. 1549 of 15 December 2009 relating to the application of the Ports and Fairways Act in rivers and lakes.
- c. Regulations no. 539 of 29 May 2013 relating to port security.
- d. Regulations no. 861 of 11 June 2019 relating to carrying out Regulation (EU) 2017/352.

### Section 3. *Adjustment of the regulations when applied to Svalbard*

When adjusting the regulations when applied to Svalbard, the following shall be in effect:

- a. Sections 2.3 and 14.2 of regulations no. 538 of 29 May 2013 relating to port facility security shall not be in effect.
- b. Section 10.3 of regulations no. 1329 of 19 December 2012 relating to fairway signs and aids to navigation shall be amended as follows:
  1. "Existing approved fairway signs that does not satisfy the requirements pursuant to these regulations can be used until the Norwegian Coastal Administration orders such signs to be replaced."
- c. Regulations no. 1543 of 15 December 2009 relating to the unloading, loading, storage, and transport of hazardous substances and goods within

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the municipality's maritime area and ports within said area shall be amended as follows:

1. In section 1.5, in the definition of the port authority, "municipal or intermunicipal authority" shall be replaced by "Longyearbyen Community Council" (*Longyearbyen lokalstyre*).
  2. In section 11.1.1, "municipal and intermunicipal committee against acute pollution" shall be replaced by "the oil preparedness committee for Svalbard" (*oljevernutvalget for Svalbard*).
- d. Regulations no. 1808 of 17 December 2014 relating to compulsory pilotage and the use of pilot exemption certificates shall be amended as follows:
1. With the exception of section 7, the compulsory pilotage regulations shall not apply to the waters around Bjørnøya. Chapters 1 and 4 are in effect as far as is necessary in order for section 7 to apply.
  2. Section 4.1 shall not apply for the areas within the baselines that are stated in attachment 1 when the vessel uses a pilot exemption certificate or is sailing to or from the pilot boarding areas in Bellsund, off Barentsburg, or off Longyearbyen.
  3. Section 11.2.(a) is replaced by: "At least one year's effective service as a duty navigator in Svalbard waters, where the sailing area includes the fairways or areas that the applied-for pilot exemption certificate concerns. Up to ten months of effective service as a duty navigator in polar waters can be included."
  4. Section 11.2(c) is replaced by: "Has been responsible over the last two seasons for the navigation on at least five voyages each way in the fairways or areas that the applied-for pilot exemption certificate concerns. Instead of five voyages each way, the requirement for vessels that are not in regular service may rather be that the applicant has served as duty navigator on three representative voyages in the areas that the applied-for pilot exemption certificate concerns, where the duration of each voyage is at least one week. These voyages must have been carried out with the vessel(s) that the applied-for pilot exemption certificate concerns, or an equivalent vessel."
  5. In addition to the requirements listed in section 13.4, individuals applying for pilot exemption certificates for the waters around Svalbard must demonstrate that they have the requisite knowledge and skills in regard to ice navigation and the requisite knowledge about the weather conditions in Svalbard.
- e. Regulations no. 1128 of 23 December 1994 relating to pilotage readiness fees, pilotage service fees, and pilot exemption certificate fees shall be amended as follows:
1. When calculating the fee for individual trips pursuant to section 8.1, no additional fee is nevertheless incurred when the sailing is a natural part of the trip along the coast of Svalbard, including trips to Kvitøya, Kong Karls Land, and Hopen.
  2. When calculating the fee for individual trips pursuant to section 8.1, no additional fee is nevertheless incurred when sailing between the mainland and Svalbard, when such sailing is direct and no foreign ports are called on.
  3. When calculating the annual fee pursuant to section 9, the year shall be regarded as running from May inclusive to October inclusive for vessels that only sail in dutiable waters during the sailing season in Svalbard. Such vessels shall pay the pilotage readiness fee in the form of an annual fee when they sail for more than two months in total, during a single sailing season, either in dutiable waters or between ports in Svalbard.

4. When calculating the pilot service fee pursuant to section 12.1.2, the number of hours shall be reduced by up to 12 hours per day during trips with a pilot along the coast of Svalbard, but nonetheless such that all the hours of piloting in fairways where a pilot is required are paid for.
- f. Regulations no. 2218 of 20 December 2018 relating to the training and certification of pilots shall be amended as follows:
  1. In addition to the requirements listed in section 7.1, the pilot cadet or the pilot shall be able to account for navigation and manoeuvring in ice covered waters in order to qualify for a pilot certificate for Svalbard.

#### **Section 4. *The administrative responsibility and authority of Longyearbyen Community Council and the Governor of Svalbard***

Pursuant to the Ports and Fairways Act, Longyearbyen Community Council has the same administrative responsibility and authority within the Longyearbyen planning area as municipalities have on the mainland.

Pursuant to section 5 of the Ports and Fairways Act, the Governor of Svalbard has the same authority in Svalbard as a municipality has on the mainland.

“Longyearbyen planning area” refers to the Longyearbyen planning area that has been determined pursuant to section 47 of Act no. 79 of 15 June 2001 Relating to Environmental Protection in Svalbard.

## **Chapter 2. Position reporting**

### **Section 5. *Vessels encompassed by mandatory reporting***

Vessels carrying passengers and vessels with a length of 24 metres or more that sail in the waters around Svalbard must submit reports pursuant to sections 7 and 8.

The following vessels are exempted from submitting a report pursuant to this chapter:

- a. Civilian and military state-owned vessels. Such vessels shall request access to ports and submit reports pursuant to the provisions laid down in regulations no. 396 of 2 May 1997 relating to access to and stays in Norwegian territory in peacetime for foreign military and civilian state-owned vessels.
- b. Vessels that may be tracked through LRIT, AIS Class A, or VMS.
- c. Vessels that may be tracked through a functioning AIS Class B when the vessel stays in Isfjorden east of a straight line from Daudmannsodden to Kapp Linne.

### **Section 6. *Time for submitting a position report***

The duty to report comes into effect

- a. when the vessel enters and exits the waters around Svalbard,
- b. when the vessel calls on or departs from a port, or when the vessel arrives at or departs from an anchorage, and

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c. every 12th hour when the vessel is sailing.

### **Section 7. Reporting mode and content**

The vessels shall report to the Norwegian Coastal Administration, either electronically by using SafeSeaNet Norway or by using a marine VHF radio or telephone. The report shall include

- a. the vessel's name and callsign,
- b. the vessel's position, in degrees and decimal minutes,
- c. the time of the position, and
- d. the planned route further.

If the vessel deviates from its planned route, a new report must be submitted pursuant to the first subsection herein.

## **Chapter 3. Entry into force**

### **Section 8. Entry into force**

These regulations enter into force immediately. The following regulations are concurrently voided:

- a. Regulations no. 1846 of 30 December 2009 relating to ports and fairways in Svalbard.
- b. Regulations no. 655 of 25 June 2012 relating to the pilot service in Svalbard.

## **Attachment 1. Pilot boarding areas in Svalbard and waters within the baseline that are exempt from compulsory pilotage**

The pilot boarding areas in Svalbard are the geographical coordinates stated below:

1. Isfjorden off Barentsburg: N 78° 08' E 014° 00'
2. Isfjorden off Longyearbyen: N 78° 16' E 015° 14'
3. Bellsund: N 77° 41' E 014° 25'

Waters within the baseline in Svalbard that are exempt from compulsory pilotage, pursuant to section 3.1.(d).2, are determined by drawing straight lines between the geographical coordinates stated below:

#### *Isfjorden*

1. N 78° 06' E 013° 22'
2. N 78° 08' E 014° 00'
3. N 78° 16' E 015° 14'
4. N 78° 18' E 015° 10'
5. N 78° 12' E 014° 10'
6. N 78° 08' E 013° 14'
7. Back to position no. 1.

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*Bellsund*

1. N 77° 41' E 014° 25'
2. N 77° 40' E 014° 27'
3. N 77° 42' E 014° 24'
4. N 77° 40' E 013° 45'
5. Back to position no. 1.