

REGULATIONS RELATING TO FOREIGN MARINE SCIENTIFIC RESEARCH IN NORWAY'S INTERNAL WATERS, TERRITORIAL SEA AND ECONOMIC ZONE AND ON THE CONTINENTAL SHELF

Laid down by Crown Prince Regent's Decree on 30 March 2001 pursuant to sections 2 and 3 of the Act of 21 June 1963 No. 12 relating to scientific research and exploration for and exploitation of subsea natural resources other than petroleum resources, section 6 of the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and to the prohibition against fishing etc by foreign nationals within the fishery limit, section 7b of the Act of 17 December 1976 No. 91 relating to the economic zone of Norway, sections 4, 4a), 5, 5a), 7, 8, 9, 9a), 13, 21, 23, 24, 25, 32 and 45 of the Act of 3 June 1983 No. 40 relating to sea-water fisheries, etc and sections 3, 9, 12, 15, and 32 of the Act of 13 June 1997 No. 42 relating to the Norwegian Coast Guard. Submitted by the Ministry of Foreign Affairs.

Introductory provisions

§ 1

The purpose of these regulations is to promote the development and conduct of marine scientific research in accordance with the 1982 United Nations Convention on the Law of the Sea, in order to increase scientific knowledge of the marine environment and the processes occurring there, and to ensure that such research is carried out in accordance with the legislation in force at any time on activities in Norway's internal waters, territorial sea and economic zone and on the continental shelf.

§ 2

These regulations apply subject to any limitations arising from international law or agreements with foreign states.

§ 3

The provisions of these regulations apply to foreign marine scientific studies in Norway's internal waters, territorial sea and economic zone and on the continental shelf. Insofar as the foreign studies are of direct significance for the exploration and exploitation of natural resources, whether living or non-living, or in any other way affect Norway's rights in accordance with international law, this shall have no effect on the provisions set out in or issued pursuant to the acts listed in section 7 of these regulations. In the event of any conflict, such provisions have precedence over these regulations.

§4

For the purposes of these regulations, marine scientific research is considered to be foreign if the researching state is not Norway, or if the research is to be carried out by an international organization.

Pursuant to these regulations, the researching state is the state in which the researcher or institution that is heading the project is resident. If researchers or institutions from several countries are to take part in a research project, the state where the project's leading researcher or institution is resident shall be considered to be the researching state.

For the purposes of these regulations, the term international organization shall mean an intergovernmental organization whose purpose is to conduct scientific research.

§ 5

These regulations do not apply to foreign warships. The term foreign warships means vessels that within the scope of the Norwegian provisions in force at any time on the admission of foreign warships and military aircraft to the Norwegian territorial sea in peacetime.

§ 6

Foreign marine scientific research in Norway's internal waters, territorial sea and economic zone and on the continental shelf shall not be carried out without the consent of the Directorate of Fisheries.

Implied consent is considered to have been given in the cases described in section 10 of these regulations. The Directorate of Fisheries may grant exemptions from the requirement for consent if special grounds so indicate.

Application procedure

§ 7

The provisions of these regulations have no effect on the applicant's duties pursuant to:

- Act of 18 August 1914 No. 3 relating to defence secrets
- Act of 21 June 1963 No. 12 relating to scientific research and exploration for and exploitation of subsea natural resources other than petroleum resources
- Act of 17 June 1966 No. 19 relating to Norway's fishery limit and to the prohibition against fishing etc by foreign nationals within the fishery limit
- Act of 3 June 1983 No. 40 relating to sea-water fisheries, etc
- Act of 24 June 1988 No. 64 relating to the entry of foreign nationals into the Kingdom of Norway and their presence in the realm
- Act of 16 June 1989 No. 59 relating to the Pilotage Service
- Act of 29 November 1996 No. 72 relating to petroleum activities
- Act of 13 June 1997 No. 42 relating to the Norwegian Coast Guard
- Regulations of 1 June 1973 No. 3780 relating to the establishment of bird reserves and large nature conservation areas on Svalbard
- Regulations of 21 December 1990 No. 1028 relating to the entry of foreign nationals into the Kingdom of Norway and their presence in the realm
- Regulations of 23 December 1994 No. 1130 relating to foreign non-military vessels entering into and passing through the Norwegian territorial sea in peacetime.

§ 8

Applications to engage in marine scientific research shall be sent to the Directorate of Fisheries by the researcher, research institution or international organization that is to conduct the research. The application shall be sent six months before the planned start-up date for the project, unless the Directorate of Fisheries permits a shorter time limit in connection with the individual application. The Directorate of Fisheries shall answer an application without any unnecessary delay, normally within two months after the application was received.

§ 9

Applications to engage in marine scientific research shall contain a full description of:

- a) the name and nationality of the institution responsible for the project, its director, and the person in charge of the project,
- b) the nature and objectives of the project,

- c) the methods and means to be used, including the name, owner, state where registered, liability insurance, tonnage, type and class of the vessel and a description of scientific equipment,
- d) the precise geographical areas in which the project is to be conducted, the expected date of first appearance and final departure of the research vessel, or deployment of the equipment and its removal, as appropriate,
- e) the extent to which it is considered that the coastal state should be able to participate or to be represented in the project.

A special form shall be used for the application. The form is included as an appendix to these regulations, and will be updated by the Directorate of Fisheries. The application should be written in English.

§ 10

Consent to engage in marine scientific research is considered to be granted when the Directorate of Fisheries has notified the applicant of this.

Consent is also considered to have been granted four months after its receipt, unless the Directorate of Fisheries has informed the researching state or the international organization that

- a) consent will not be granted,
- b) the information that has been provided is clearly not in accordance with the facts,
- c) further information has been requested, or
- d) the state or international organization in question has outstanding obligations to the coastal State from a prior research project carried out in Norway's internal waters, territorial sea and economic zone or on the continental shelf.

The second paragraph does not apply

- a) if otherwise provided by provisions set out in or issued pursuant to the acts listed in section 7 of these regulations, or
- b) to research in Norway's internal waters and territorial sea.

Conditions for granting consent

§ 11

The Directorate of Fisheries may grant consent to engage in marine scientific research subject to compliance with the following conditions:

- a) that the Norwegian authorities or the researchers they designate shall have the right to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the coastal State and without obligation to contribute towards the costs of the project,
- b) that the Norwegian authorities shall, if they so request, be provided with preliminary reports as soon as practicable, and with the final results and conclusions after the completion of the research,
- c) that the Norwegian authorities shall, if they so request, be provided with access to all data and samples derived from the marine scientific research project and likewise furnished

with data which may be copied and samples which may be divided without detriment to their scientific value,

- d) that the Norwegian authorities shall, if they so request, be provided with an assessment of such data, samples and research results as are mentioned in litra c), or with assistance in their assessment or interpretation.

Duties connected with the research

§ 12

Marine scientific research shall not unjustifiably interfere with other legitimate uses of the sea.

§ 13

Any activities in connection with marine scientific research shall be carried out in accordance with all legislation that applies to Norway's internal waters, territorial sea and economic zone and the continental shelf, including those for the protection and preservation of the marine environment.

§ 14

The researching state or the international organization shall inform the coastal State immediately of any major change in the research programme and of any change in the vessel to be used.

§ 15

A researcher, research institution or international organization has a duty to comply with a request from the Norwegian Coast Guard to inspect a research vessel or research installation.

Inspection may be carried out by coercive means if the vessel or installation is being used for

- a) activities that fall within the scope of Norway's sovereign rights according to Parts V and VI of the Convention on the Law of the Sea, or
- b) research within the territorial limit.

§ 16

The Directorate of Fisheries may require the research vessel to give notification of its positions daily and require that the vessel shall have satellite tracking equipment installed, and may also require the vessel to give notification of other matters relating to its research activities, such as the start of research activities and the beginning of sampling.

Scientific installations and equipment

§ 17

Safety zones of a reasonable breadth not exceeding a distance of 500 metres may be created around scientific research installations.

§ 18

The deployment and use of any type of scientific research installations or equipment shall not constitute an obstacle to established international shipping routes.

§ 19

Installations or equipment referred to in this section shall bear identification markings indicating the State of registry or the international organization to which they belong and shall have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation, taking into account rules and standards established by competent international organizations.

§ 20

The researcher, research institution or international organization shall make the results of marine scientific research in Norway's internal waters, territorial sea and economic zone and on the continental shelf internationally available as soon as practicable through appropriate national and international channels.

Enforcement

§ 21

The Directorate of Fisheries may require the suspension of marine scientific research if the research activities are not being conducted in accordance with the information communicated as provided under section 9 of these regulations, or in the event of failure to comply with conditions for consent laid down pursuant to section 11 of these regulations.

§ 22

The Directorate of Fisheries may require the cessation of marine scientific research if any matters that have given grounds for suspension pursuant to section 21 have not been rectified within a reasonable period of time, or if the marine scientific research is being conducted in a way that is so different from the information on the research that the Norwegian authorities received pursuant to section 8 of these regulations that it amounts to a major change in the research activities.

§ 23

These regulations are without prejudice to the right of the Norwegian authorities to enforce the provisions set out in or pursuant to the Acts mentioned in section 7 of these regulations, including enforcement by means of control and enforcement measures.

Entry into force

§ 24

These regulations enter into force on 1 July 2001.