

## **Chapter IV Alien organisms**

### **Section 28 (due care requirement)**

Any person that is responsible for releasing living or viable organisms into the environment shall exercise due care, and as far as possible seek to prevent such release having adverse impacts on biological diversity. If an organism is released in accordance with a permit issued by a public authority, the duty of care is considered to be fulfilled if the conditions of and for the permit are still satisfied.

Any person that initiates an activity or project that may result in the spread or release of living or viable organisms beyond their natural range shall take reasonable measures to prevent this.

If damage is caused to biological diversity or there is a risk of serious damage to biological diversity as a result of the release or unintentional discharge of alien organisms, the person responsible shall immediately notify the competent authority under this Act, and take measures in accordance with sections 69 and 70, unless such duty to notify the authorities and take measures is prescribed in another statute.

The King may make regulations regarding activities, projects *or other activities* that may entail a risk of the spread or unintentional discharge of organisms that do not occur naturally in an area, and regarding the duty of notification under the third paragraph.

### **Section 29 (import)**

Living or viable organisms may only be imported to Norway subject to a permit granted by the competent authority under this Act.

If an organism is imported with a view to releasing it into the environment, the application for a permit shall clarify the possible effects of such release on biological diversity.

No permit may be granted if there is reason to believe that the import will have substantial adverse impacts on biological diversity.

The King may make regulations regarding import under the first paragraph, including requirements for permits and conditions for permits. The King may also make regulations to the effect that specific organisms *or groups of organisms* may be imported without a permit under this section, *and may then require a notification*. The King may also make regulations prohibiting the import of specific organisms if this is considered necessary in order to avoid substantial adverse impacts on biological diversity.

Unless otherwise provided by regulations made by the King, no permit is required under this Act for the import of terrestrial plants and specified livestock. Nor is a permit required for the import of biological control agents for which an import permit has been granted in or under other legislation.

### **Section 30 (general rules regarding the release into the environment or placing on the market of organisms or species)**

Without legal authority under section 31 or a permit granted by the competent authority under this Act, no person must release

(a) organisms belonging to species or subspecies that do not occur naturally in Norway, including foreign tree species, into the environment,

(b) wildlife belonging to species, subspecies or populations that do not already occur naturally in the district, into the environment,

(c) organisms, except for those belonging to a native population, to the sea or a river system unless a permit has been granted under the Act of 17 June 2005 No. 79 relating to aquaculture (the Aquaculture Act),

*For organisms that do not already occur naturally in an area, the King may make regulations to the effect that:*

*(a) the release into the environment require a permit,*

*(b) the release into the environment or the placing on the market is prohibited.*

Applications for a permit to release organisms or species under the first paragraph *and second paragraph (a)* shall give an account of the impacts such release may have on biological diversity. The King may make regulations setting out requirements for applications.

A permit may not be granted if there is reason to believe that the release will have substantial adverse impacts on biological diversity.

### **Section 31 (release without a special permit)**

Provided the duty of care under section 28 is observed, the following organisms may be released:

(a) organisms imported subject to a permit under section 29, first paragraph, cf. second paragraph, with a view to release,

(b) plants in *private* gardens,

(c) Norwegian tree species,

(d) plants in parks and other cultivated areas, if the plants *to a small extent* are likely to spread outside the area, *and the spread does not result in a risk of adverse impacts on the biological diversity,*

*(e) plants in transport- and commercial development areas, if the plants are likely to spread only within these areas, or areas mentioned in (b) or (d), and the release does not result in a risk of adverse impacts on the biological diversity in these areas,*

(f) biological control agents for which a release permit has been granted in or under other legislation,

(g) specified organisms *or groups of organisms*, if the King has made regulations to that effect. *The King may then require a notification.*

Release under the first paragraph may not take place contrary to regulations under section 30 *second paragraph*. This does not apply to Norwegian tree species.

### **Section 32 (relationship to other Acts)**

The requirement of a permit under this Act does not exempt the applicant from the requirement of an import or release permit under other legislation. If an import or release permit is required under two or more statutes, the competent authorities under the present and other statutes shall ensure that the processing of applications is coordinated. The King may make regulations regarding such coordination.

The provisions of sections 28 to 31 do not apply to genetically modified organisms falling within the scope of the Act of 2 April 1993 No. 38 relating to the production and use of genetically modified organisms (the Gene Technology Act).

Assessments under this chapter shall not include considerations relating to plant, animal and human life and health that are safeguarded by the Act of 5 August 1994 No. 55 relating to the control of communicable diseases (Communicable Diseases Control Act) and the Food Act.