

Proposal

Visitor's Fee Act

Chapter 1. Purpose and scope

Section 1-1 Purpose

(1) The purpose of the Act is to contribute to the financing of tourism-related public goods through a visitor's fee in the form of a fee.

(2) Tourism-related public goods that can be financed by a visitor's fee, are services, natural and cultural environments, infrastructure, buildings and other resources, where the usage or demand increases significantly with the number of visitors.

(3) Tourism-related public goods that can be financed by a visitor's fee for Longyearbyen, are public infrastructure and public services that constitute a prerequisite for tourism activity in Longyearbyen, and other services for the tourism industry.

Section 1-2 Application of the Act to Svalbard

Section 1-1 first and third paragraphs, sections 2-3 to 2-10 and section 4-1 of the Act also apply to Longyearbyen. The King may issue regulations regarding the adaptations that are necessary out of consideration for local conditions, cf. section 3-1.

Chapter 2. Accommodation fee

Section 2-1 Power to establish a municipal tourist accommodation fee

(1) The municipality, represented by the municipal council, may establish a visitor's fee to fulfil the purpose set out in section 1-1.

(2) The fee shall apply to the entire municipality.

(3) The municipality, represented by the municipal council, may issue regulations stipulating which months of the year the accommodation fee shall apply.

(4) The fee applies to the letting of rooms, flats, cabins, houses, land, etc. in hotels, hotel ships, campsites, motorhome campsites, hostels, guest harbours for leisure boats, and other accommodation establishments, including private letting other than for commercial purposes, where the customer has access to the accommodation facilities between midnight and 6:00 a.m. and for a period of less than 30 consecutive days.

(5) The fee liability arises when the overnight stay begins.

(6) The fee shall be specified in the sales documentation for the service to which it is linked.

Section 2-2 Plan for use of the revenue generated from the accommodation fee

(1) The municipality shall prepare a plan for the use of the revenue generated from the fee in accordance with the purpose stated in section 1-1.

(2) The municipality shall ensure that affected businesses are able to provide input to the plan.

Section 2-3 Exemptions from the accommodation fee

(1) No fee shall be levied on accommodation on passenger ships in transit or other similar accommodation services.

(2) The Ministry may stipulate other exemptions from the fee in regulations.

Section 2-4 Calculation basis

(1) The municipal accommodation fee shall be calculated as a percentage-based surcharge of 3 per cent of the fee paid for the accommodation, excluding value-added tax.

(2) For Longyearbyen, the visitor's fee may be set as a fixed amount.

Section 2-5 The fee

(1) Anyone who, against payment, sells the service on which the fee is calculated, shall calculate, collect from the customer and pay the fee to the municipality in which the accommodation is situated.

(2) If a provider who is not registered in the Value Added Tax Register uses another party to facilitate the service and collect payment on their behalf, the facilitator is liable in relation to the municipality.

(3) Businesses who are registered in the Value Added Tax Register shall calculate and pay the fee for the same periods and with the same payment due dates that apply to the tax return for value-added tax.

(4) Businesses who are not registered in the Value Added Tax Register shall calculate and pay the

accommodation fee for one calendar year. The payment due date is the 10th of March of the following year.

(5) The fourth paragraph applies correspondingly to providers who rent out dwellings, secondary dwellings or holiday homes other than for commercial purposes.

(6) The Ministry may in regulations stipulate more detailed provisions regarding such liability under the second paragraph.

Section 2-6 Collection authority

The municipality is the collection authority.

Section 2-7 Duty to disclose information and exceptions to the duty of confidentiality

(1) Upon request, the person liable to pay the fee shall provide the municipality with the information necessary to control the basis for calculation, collection and payment of the fee. The municipality may set a time limit for disclosing information in accordance with the first sentence. The time limit shall not be less than four weeks.

(2) The tax authorities' duty of confidentiality pursuant to section 3-1 first paragraph of the Tax Administration Act does not prevent the municipality from receiving information from the tax authorities for use in its work with the collection and control of the visitor's fee, regarding:

- a) which taxpayers have earned income from accommodation services in the municipality
- b) the amount of income from such services reported by a taxpayer and a facilitating company used by the taxpayer
- c) the addresses of each of the taxpayer's rented units.

Section 2-8 Coercive fine

(1) If the person liable to pay the fee fails to fulfil their duties pursuant to section 2-5 or section 2-7 first paragraph, the municipality may impose a daily accruing coercive fine on the person liable to pay the fee. The coercive fine may not be set higher than five times the amount of a court fee per day.

(2) The municipality may issue regulations on the level and determination of coercive fines.

Section 2-9 Appeal and payment deferral

(1) Individual decisions concerning the accommodation fee may be appealed in accordance with the rules of the Public Administration Act.

(2) The accommodation fee shall be paid at the time and in the amount stipulated in the decision, even if the decision has been appealed or legal action has been filed against the decision.

(3) In special circumstances, the municipality may grant a payment deferral.

Section 2-10 Overdue fee and interest on overdue payments

(1) Overdue accommodation fee constitutes grounds for enforcement of the amount due.

(2) In the event of overdue payment of the fee to the municipality, the person liable to pay the fee shall pay interest in accordance with the Act Relating to Interest on Overdue Payments.

Section 2-11 Announcement

(1) The municipality shall, without undue delay, notify the Ministry of the municipal council's decision to issue regulations on the accommodation fee pursuant to section 2-1.

(2) The Ministry may in regulations stipulate more detailed rules regarding the announcement and entry into force of the fee.

Chapter 3. Visitor's fee for Longyearbyen

Section 3-1 Visitor's fee for Longyearbyen

(1) The King shall issue regulations on a visitor's fee for Longyearbyen. The visitor's fee shall be paid as a fee for the provision of accommodation in Longyearbyen, and as a fee for each passenger who disembarks from or boards conventional cruise ships and expedition cruise ships in Longyearbyen.

(2) The visitor's fee shall finance public infrastructure and public services that constitute a prerequisite for tourism activity in Longyearbyen, and other services for the tourism industry.

Chapter 4. Final provisions

Section 4-1 Entry into force

(1) The Act applies from the date determined by the King. The King may give effect to individual provisions at different times.

(2) The Ministry may in regulations issue transitional provisions regarding entry into force.

(3) Until the amendment in section 4-2 of section 2-14 of the Enforcement Act takes effect, visitor's fee may be collected by the municipality in accordance with the rules governing the collection of taxes.

Section 4-2 *Amendments to the Enforcement Act*

From the date determined by the King, the following amendments shall be made to Act No. 86 of the 26th of June 1992 relating to enforcement: In section 2-14 the following paragraph is added:

f. Visitor's fee and coercive fine pursuant to the Visitor's Fee Act