



FISKERI- OG KYSTDEPARTEMENTET

Norwegian Ministry of Fisheries and Coastal Affairs

Norwegian Marine Resources Act

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Background

- The new Marine Resources Act replaced the Sea Water Fisheries Act of 1983.
- Entered into force 1 January 2009.
- The Marine Resources Act regulates how, where, when and how much we can harvest of living marine resources.
- The Participation Act of 1999 regulates who can fish for a living.

New aspects of Marine Resources Act

- The first Norwegian act regulating outtake of genetic material
- The new Act implies a modernization of the legislation relating to sea water fisheries
 - Sustainable management, precautionary approach, ecosystem management, effective control
 - The scope covers all living marine resources, including marine genetic material
 - The Act states that the resources cannot be privatised

Objective

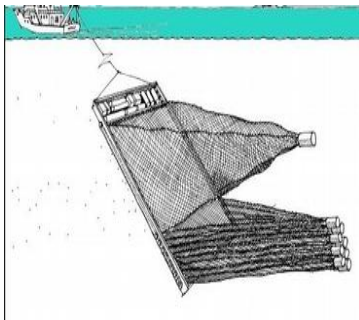
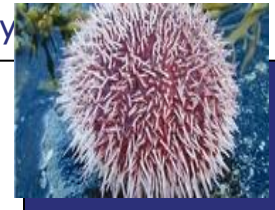
- The objective of the Marine Resources Act, ensure that management of living marine resources and genetic material derived from them is sustainable and economically profitable, and to promote employment and settlement in coastal communities
- Applies to all legal persons within the territorial extent.
- Territorial extent: Norwegian territorial waters, on the Norwegian continental shelf, and in the areas established under Act relating to the Economic Zone of Norway.

Fundamental considerations

- Section gives guidance, elaborating main principles and purpose of the Act (management principle, precautionary approach, ecosystem approach, effective control).
- Section 7 paragraph 2
 - a) the precautionary approach,
 - b) the ecosystem approach
 - c) effective control
 - d) appropriate allocation of resources, which can help to ensure employment and maintain settlement in coastal communities,
 - e) optimal utilisation of resources, adapted to marine value creation, markets and industries,
 - f) ensuring that harvesting methods and the way gear is used reduce possible negative impacts,
 - g) ensuring that management measures help to protect the material basis for Sami culture.



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Marine bioprospecting

- Why regulate this in the Marine Resources Act?
 - ✓ Important to control harvesting of all resources, including genetic material
 - ✓ A need to control harvesting and investigation for marine genetic material
 - ✓ Sustainable harvesting
 - ✓ Ensuring benefit sharing
- What is regulated in the MRA?
 - ✓ Management measures (access)
 - ✓ The sharing of benefits from a common resource.

Management – Access, Section 9

- Section 9 enables the Government to prescribe that harvesting and investigation in the sea in connection with marine bioprospecting, requires a permit
- No definition of marine bioprospecting, purpose important
- Regulations will state the types of information applications shall include, and set out further rules on the types of conditions that may be laid down
- Same regulations as in Nature Diversity Act, section 57

Benefit sharing, Section 10

- Section 10 further enables the Government to lay down in such a permit that a proportion of the benefits arising out of the use of Norwegian marine genetic material shall accrue to the state
- A permit issued under section 9 may lay down that genetic material and the results of bioprospecting activities may not be sold or communicated to others without the consent of and, if required, payment to the state

Benefit sharing, Section 10

- The Government may prescribe that if marine bioprospection or the use of genetic material has taken place without a permit being issued pursuant to section 9, a proportion of the benefits such as are mentioned in the first paragraph, shall accrue to the state
- The resources belong to the people of Norway, fair that they get to share the benefits.

Marine resources Act

- <http://www.ub.uio.no/ujur/ulovdata/lov-20080606-037-eng.pdf>