



Sveriges geologiska undersökning

Continental Shelf Act Continental Shelf Ordinance



Unofficial translation of
Lag (1966:314) om kontinentalsockeln
Kontinentalsockelförordning (1966:315)

Includes amendments up to Dec 15, 2007

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Lag (1966:314) om kontinentalsockel
Kontinentalsockelförordning (1966:315)**

Includes amendments up to Dec 15, 2007

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CONTINENTAL SHELF ACT (1966:314)

Promulgated on 3 June 1966

As amended up to and including SFS 2005:574

Section 1

In this Act, “the continental shelf” means the seabed and its subsoil within public waters and within such an area of the sea outside Sweden’s territorial limit as the Government may determine in accordance with the Convention on the Continental Shelf, done at Geneva on 29 April 1958.

“Natural resources of the continental shelf” refers in this Act to the mineral and other non-living natural resources of the seabed and the subsoil, together with living organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Within public waters this Act does not apply to the harvesting of such living natural resources as are covered by Swedish fisheries legislation. (Act 1974:891)

Section 2

The right to explore the continental shelf and exploit its natural resources belongs to the State.

Section 2 a

Exploration of the continental shelf and exploitation of its natural resources shall be subject to the provisions of Chapter 2 of the Environmental Code, even when such activities are undertaken outside the territorial limit. (Act 1998:819)

Section 3

The Government or such authority as the Government may determine may grant a permit to a person other than the State to explore the continental shelf by means of geophysical measurements, drilling or in any other way and to exploit its natural resources.

Such a permit shall relate to a specific area and be valid for a fixed period.

The Government may provide that a specific kind of activity referred to in the first paragraph may take place without a permit. (Act 1998:819)

Section 3 a

In the consideration of an application for a permit to explore the continental shelf or to exploit its natural resources, Chapter 2, Chapter 5, Section 3, and Chapter 16, Section 5, of the Environmental Code shall apply.

Provisions requiring permits for certain activities and measures are set out in Chapter 7, Sections 28 a–29 b, of the Environmental Code.

In addition, in the consideration of an application for a permit to exploit natural resources of the continental shelf, Chapters 3 and 4 of the Environmental Code shall apply.

An application for a permit to explore the continental shelf by means of drilling or blasting or to exploit its natural resources shall include an environmental impact assessment. Concerning procedure, requirements regarding environmental impact assessments, and plans and planning documents, Chapter 6 of the Environmental Code shall apply. (Act 2001:438)

Section 3 b

In the consideration of an application for a permit to extract bedrock, cobbles, gravel, sand, clay, soil or other superficial deposits from the continental shelf, the need for the material that can be extracted shall be weighed against the damage to animal and plant life and to the environment in general that could arise from its extraction. A permit may not be granted for extraction if it could be detrimental to the living conditions of any animal or plant species that is endangered, rare or requires particular care for any other reason. (Act 2005:574)

Section 4

A permit shall have attached to it such conditions as are necessary for the protection of public interests and private rights, such as protecting human health and the environment from damage and nuisance, promoting long-term sustainable use of land, water and other resources, and ensuring safety.

These conditions may relate, among other things, to measures to prevent pollution of air or water, to protect animal and plant life, to preserve deposits or boreholes, or to protect navigation or fisheries. They may relate to the management of the enterprise, the manner in which the operations are carried out, the design of installations on the continental shelf for the operations, or the use of the products. The conditions may also involve requirements regarding maps of the operations, sampling, and reporting on the activities undertaken. (Act 1998:819)

Section 4 a

A permit may be made subject to additional or modified conditions if, as a result of the activity, a nuisance of some significance has arisen which was not foreseen when the permit was granted, or if the activity is contributing to a significant degree to an environmental quality standard provided for in Chapter 5 of the Environmental Code being exceeded.

By virtue of this section, conditions may not be set which are so far-reaching that the activity can no longer be undertaken or is made appreciably more difficult. (Act 1998:819)

Section 4 b

When a permit is granted, it may be determined on what scale exploration or exploitation is to be undertaken in order for the right conferred by the permit to remain in force.

A permit may also have attached to it a condition that the State shall participate in the activity or that fees shall be paid to the State for the permit, or some other similar condition. Such fees shall be calculated either in relation to the quantity or value of the products extracted or of shares thereof, or in some other way. (Act 1998:819)

Section 4 c

A permit may be made dependent for its validity on the person who intends to undertake the activity furnishing security for the costs of removing installations or of other restoration measures. The State, local authorities, county councils and regional federations of local authorities do not need to furnish security.

If it may be assumed that the security furnished is not sufficient, a decision may be taken requiring additional security.

Regarding the nature of the security, Chapter 2, Section 25, of the Enforcement Code shall apply. The security furnished shall be considered by the permitting authority and held by the county administrative board of the county in which the activity is to be undertaken or in which the nearest part of Swedish territorial waters is situated. (Act 1998:819)

Section 5

In conjunction with the granting of a permit, it may be stipulated on what conditions the permit holder has the right to relinquish the permit or to give up part of the area to which it applies.

A permit may not be transferred without the consent of the body which granted it.

A permit may be revoked by the Government or the authority which granted it if a stipulation or condition attached to the permit is not observed or if, in other cases, exceptional reasons exist. If a permit is revoked without the holder having failed to observe a stipulation or condition attached to it, he shall be entitled to compensation from the State for any loss arising from measures he has undertaken in consequence of the concession. (Act 1974:891)

Section 5 a

If a permit ceases to be valid, the person who has held it shall be obliged to remove installations and undertake other restoration measures, unless this is unnecessary from the point of view of public or private interests.

If the obligation to undertake such measures has not been laid down by conditions attached to the permit, the question shall be considered by the permitting authority in conjunction with the permit ceasing to be valid.

If the person who has held the permit fails to fulfil his obligations, the supervisory authority may order him to do so on penalty of a fine. (Act 1998:819)

Section 6

The Government or such authority as the Government may designate may determine that, for the protection of an installation for the exploration of the continental shelf or the exploitation of its natural resources, there shall be a safety zone extending at most 500 metres from the outer edge of the installation, and make such provisions as are required to safeguard that zone. Unless otherwise provided by this Act or by a provision made under it by the Government or such authority as the Government may designate, ships may not enter a safety zone without the consent of the owner of the installation. (Act 1974:891)

Section 7

If a permit is granted under this Act with respect to a particular natural resource in an area covered by a previously granted permit relating to another natural resource, operations for the purposes of exploration or exploitation conducted on the basis of the right that arose first must not be impeded on the basis of a right that has arisen subsequently. If there is any dispute as to how the different types of operation are to be undertaken, the supervisory authority, taking into account the conditions attached to the permit in accordance with Section 4, shall determine how the operations are to be arranged so as to enable the holder of earlier rights to conduct his operations in an appropriate manner and with the least possible detriment to the holder of later rights.

The same shall apply to the relationship between a permit granted under this Act and a permit for the same area granted under the Swedish Exclusive Economic Zone Act (1992:1140). (Act 1992:1145)

Section 8

Supervision of compliance with stipulations and conditions attached to permits shall be exercised by such authority as the Government may determine.

The holder of a permit shall, on demand, provide the supervisory authority with such information and documents as are required for the purposes of supervision. The supervisory authority may issue directions to secure compliance with a stipulation or condition that is attached to the permit.

A person who is responsible for carrying out supervision shall have access to any installation, ship or aircraft on which an activity covered by a permit is being undertaken, and may make inquiries into any matter of significance for the application of a stipulation or condition attached to the permit.

The provisions of this section do not apply to supervision under Section 15 c.
(Act 1996:522)

Section 9

The Geological Survey of Sweden or such other authority as the Government may determine shall, on request, be given the opportunity to follow the permit holder's operations from a geological point of view and to acquaint itself with the results of those operations. (Act 1974:891)

Section 10

Within any installation and safety zone outside the territorial limit, Swedish law shall apply, with the exception of the provisions of the Minerals Act (1991:45) and the legislation on hunting and fisheries. In that connection, the installation and the zone shall be considered to be situated within the nearest part of Swedish territorial waters.

Except as provided in Section 10 a, however, an application for a permit under the Environmental Code is not required for exploration and exploitation within an installation and safety zone outside the territorial limit, if an application for a permit for the activity has been considered by the Government under this Act. (Act 1998:819)

Section 10 a

If a permit under this Act relates to an activity that is to be undertaken outside the territorial limit, the Government may, if special reasons exist, make it a condition of that permit that an application for a permit under Chapter 9 of the Environmental Code shall be made to such authority as the Government may determine. This shall only apply, however, if a permit under Chapter 9 of the Environmental Code is required for a corresponding activity inside the territorial limit.

The Environmental Code shall apply to an activity that is subject to a condition as provided in the first paragraph. The Government shall state which authority is to exercise supervision of the activity under the Environmental Code. (Act 1998:819)

Section 11

Any person who without authority explores the continental shelf or exploits its natural resources or makes preparations for such exploration or exploitation shall be sentenced to a fine or to imprisonment for not more than six months.

The same penalty shall be imposed on any person who

1) contravenes a condition set under Section 4 or 4 a,

2) fails to comply with what a supervisory authority requires or directs under Section 8, second or third paragraph, or

3) intentionally or through gross negligence makes a false statement when fulfilling an obligation to provide information that is attached to a permit or that is provided for in or has been imposed under Section 8, second paragraph.

Any person who contravenes the prohibition on entering a safety zone set out in Section 6 or a provision made for the safeguarding of such a zone shall be sentenced to a fine. (Act 1998:819)

Section 12

If the holder of a permit has failed to comply with conditions set under Section 4 or 4a or with what he is obliged to do under Section 9, or to comply with a demand made or a direction issued by a supervisory authority under Section 8, second or third paragraph, the supervisory authority may order him to fulfil his obligations on penalty of a fine.

If such a failure represents a manifest danger to a public interest, the supervisory authority may prohibit the continuation of the operations and have the matter rectified through the police authority, at the expense of the permit holder. (Act 1998:819)

Section 13

Repealed by Act 1980:202.

Section 14

Any person who, outside Sweden, has committed an offence referred to in Section 11 shall, if he is present in Sweden, be tried in accordance with this Act and the Penal Code and in a Swedish court, even if Chapter 2, Section 2 or 3, of the said Code is not applicable.

If the Government has prescribed that secrecy under Chapter 8, Section 6, of the Secrecy Act (1980:100) is to apply in an activity that consists in the supervision of compliance with the present Act, the first paragraph shall also apply with respect to any person who discloses information which as a consequence thereof he is obliged to keep secret.

Proceedings for an offence referred to in Section 11, first and third paragraphs, may only be instituted by order of the Government or of such authority as the Government may authorize for that purpose. (Act 1992:1145)

Section 15

Decisions of the Geological Survey of Sweden on matters referred to in Section 7 and matters relating to the revocation of a permit owing to failure to observe stipulations or conditions attached to it, and decisions of supervisory authorities under Section 12 and Section 15 c, may be appealed to an administrative court of general jurisdiction.

For any appeal to the Administrative Court of Appeal, leave to appeal is required.

Any other decision of an authority under this Act may be appealed to the Government.

A decision shall apply even if it is appealed, unless ordered otherwise. (Act 1996:522)

Section 15 a

For the laying of a submarine cable or pipeline on the continental shelf outside the territorial limit, a permit granted by the Government or such authority as the Government may determine is required.

Such a permit shall have attached to it such conditions as are necessary to

1. make possible exploration of the continental shelf and exploitation of its natural resources,
2. prevent, reduce and control pollution from pipelines, and
3. safeguard the possibility of using and repairing existing submarine cables and pipelines.

If the permit relates to the laying of a pipeline, the course of the pipeline on the continental shelf to which it relates shall be stated in the decision. (Act 1996:522)

Section 15 b

The provisions of Section 15 a do not apply to the laying of submarine cables and pipelines for the purposes of exploring the continental shelf or exploiting its natural resources.
(Act 1996:522)

Section 15 c

Supervision of compliance with Section 15 a and conditions set under that section shall be exercised by such authority as the Government may determine. The supervisory authority may make such orders as are necessary to ensure compliance with Section 15 a and conditions set under that section. (Act 1996:522)

Section 16

More detailed provisions for the implementation of this Act may be made by the Government.
(Act 1974:891)

CONTINENTAL SHELF ORDINANCE (1966:315)

Promulgated on 3 June 1966

As amended up to and including SFS 2007:952

Section 1

Outside the territorial limit, the Continental Shelf Act (1966:314) shall apply within the sea areas set out in the Swedish Exclusive Economic Zone Ordinance (1992:1226). (Ordinance 1992:1223)

Section 2

Supervision of compliance with stipulations and conditions attached to permits under the Continental Shelf Act shall be exercised by the Geological Survey of Sweden. In carrying out that supervision, the Survey shall cooperate with other authorities whose activities are affected by such a permit.

The Swedish Maritime Administration, the Swedish Coast Guard and the National Police Board shall, at the request of the Survey, assist it in the exercise of its supervision.

This section does not apply to supervision under Section 15 c of the Continental Shelf Act. (Ordinance 1996:523)

Section 2 a

Supervision of compliance with Section 15 a of the Continental Shelf Act and conditions set under that section shall be exercised by the Swedish Coast Guard. (Ordinance 1996:523)

Section 3

A permit under the Continental Shelf Act is not required for the harvesting of living organisms.

Nor is such a permit required for a scientific investigation conducted by a Swedish scientific institution, if the work can be carried out without detriment to activities undertaken under a permit. The same shall apply with respect to any other investigation conducted by a Swedish natural person or legal entity inside the territorial limit, when the investigation is not for the purposes of exploring for salt, oil or gas and does not involve blasting, drilling, the establishment of an installation or some other interference of some significance with the natural environment.

An investigation as referred to in the second paragraph shall be notified in writing to the Geological Survey of Sweden at least fourteen days before the work begins. (Ordinance 1982:585)

Section 4

A permit to explore the continental shelf or to exploit its natural resources shall be granted by the Government, unless otherwise provided by Section 5.

An application for such a permit shall be submitted to the Government Offices of Sweden (Ministry of Enterprise, Energy and Communications) and shall contain

1. particulars of the domicile and postal address of the applicant and, when the applicant is a foreign company, of any branch office which the applicant has or intends to establish in Sweden for the intended activity,

2. particulars of the nature and extent of the intended activity and of the area and the period to which the application relates,
3. a programme of operations for the activity,
4. the particulars needed to assess how the general rules of consideration of Chapter 2 of the Environmental Code will be observed,
5. particulars of the measures which the applicant considers necessary to prevent pollution of water and interference with navigation, fisheries and other public and private interests,
6. particulars of the applicant's technical and financial capacity to undertake the activity,
7. a map, prepared in accordance with the instructions of the Geological Survey of Sweden, and a description of the area to which the application relates,
8. any certificate which the applicant wishes to rely on to substantiate particulars referred to in points 3–6.

As provided in Section 3 a of the Continental Shelf Act (1966:314), an application for a permit to explore the continental shelf by means of drilling or blasting or to exploit its natural resources shall include an environmental impact assessment.

The application documents shall be submitted in at least six copies. (Ordinance 2007:952)

Section 4 a

A permit under Section 15 a of the Continental Shelf Act shall be granted by the Government.

An application for such a permit shall be submitted to the Government Offices of Sweden (Ministry of Enterprise, Energy and Communications) and shall contain

1. particulars of the course of the submarine cable or pipeline on the continental shelf and
2. particulars of the measures which the applicant considers necessary to prevent, reduce and control pollution from the pipeline. (Ordinance 2007:952)

Section 5

A permit to extract sand, gravel or cobbles in an area which in its entirety is situated within public waters of the sea shall be granted by the Geological Survey of Sweden, unless otherwise provided by the last paragraph. An application for such a permit shall contain the particulars needed to assess how the general rules of consideration of Chapter 2 of the Environmental Code will be observed. As provided in Section 3 a of the Continental Shelf Act (1966:314), the application shall include an environmental impact assessment. The application documents shall be submitted in at least six copies. When considering an application for a permit, the Survey shall obtain opinions from the Swedish Environmental Protection Agency, the local authority and other authorities concerned.

A permit shall be granted for a fixed period, at most ten years, and shall relate to a specific area. The permit shall state to what extent sand, gravel or cobbles may be taken and shall set out such stipulations as are necessary to safeguard to a reasonable extent other interests, such as navigation, fisheries and nature conservation, or as are otherwise called for by the provisions of

the United Nations Convention on the Law of the Sea. Attention shall be drawn in the permit to any consideration of the activity that may be required under other legislation.

Fees as referred to in Section 4 b, second paragraph, of the Continental Shelf Act shall be payable for the permit, unless the limited extent of the enterprise or some other special reason gives cause to waive them. Such fees shall be determined by the Geological Survey of Sweden.

If the extraction to which the application relates is substantial in scale or could give rise to significant detrimental effects, or in other cases if the Swedish Environmental Protection Agency so requests, the Geological Survey of Sweden shall refer the application to the Government, attaching to it its own opinion. (Ordinance 2007:952)

Section 6

Operations for the purposes of exploration of the continental shelf or exploitation of its natural resources may not be carried out in such a way that submarine cables or pipelines are damaged or there is unjustifiable interference with navigation, fisheries or the living resources of the sea.

The holder of a permit under the Continental Shelf Act is obliged to tolerate the laying or maintenance of cables or pipelines within the permit area, in so far as such operations are undertaken in such a way as not to unduly impede the activity of the permit holder.

A permit holder is in addition obliged to tolerate the undertaking within the permit area of fundamental oceanographic or other scientific research, the results of which are intended to be published.

Section 7

Fees as referred to in Section 4 b, second paragraph, of the Continental Shelf Act shall be paid to the Geological Survey of Sweden. (Ordinance 2007:952)

Section 8

Any person who fails to give notification as provided in Section 3, third paragraph, shall be sentenced to a fine.

Authority

The Geological Survey of Sweden gives general information on geological and related matters as well as advice on legal matters in connection with the continental shelf.

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