



# Pollution Control Act

## Act of 13 March 1981 No.6 Concerning Protection Against Pollution and Concerning Waste

Law | Date: 13/03/1981 | [Ministry of Climate and Environment](#)

(<http://www.regjeringen.no/en/dep/kld/id668/>)

The purpose of this Act is to protect the outdoor environment against pollution and to reduce existing pollution, to reduce the quantity of waste and to promote better waste management.

*The translation is not official; it is provided for information purposes only. In the event of any inconsistency, the Norwegian version shall prevail.*

*This translation is based on the norwegian version of 20. june 2003. Later amendments are not translated.*

## Chapter 1. Introductory provisions

### § 1. Purpose of the Act

The purpose of this Act is to protect the outdoor environment against pollution and to reduce existing pollution, to reduce the quantity of waste and to promote better waste management.

The Act shall ensure that the quality of the environment is satisfactory, so that pollution and waste do not result in damage to human health or adversely affect welfare, or damage the productivity of the natural environment and its capacity for self-renewal.

### § 2. Guidelines

The Act shall be implemented in accordance with the following guidelines:

1. Efforts shall be made to prevent any occurrence or increase of pollution, and to limit any pollution that does occur. Similarly, efforts shall be made to avoid waste problems. The Act shall be used to achieve a level of environmental quality that is satisfactory on the basis of an overall evaluation of human health and welfare, the natural environment, the costs associated with any measures implemented and economic considerations.
2. The pollution control authorities shall coordinate their activities with the planning authorities in such a way that land-use planning legislation together with this Act is used to avoid and limit pollution and waste problems.
3. Efforts to avoid and limit pollution and waste problems shall be based on the technology that will give the best results in the light of an overall evaluation of current and future use of the environment and economic considerations.
4. Waste shall be managed in such a way as to minimize damage and nuisance. Waste shall be recovered when this is appropriate on the basis of an evaluation of environmental and natural resource considerations and economic factors.
5. The costs of preventing or limiting pollution and waste problems shall be met by the person responsible for the pollution or waste.
6. Pollution and waste problems resulting from activity in Norwegian territory shall be counteracted to the same extent irrespective of whether the damage or nuisance arises within or outside Norway.

### **§ 3. General provisions relating to the scope of the Act**

The Act applies to pollution and waste in the outdoor environment. The Gene Technology Act applies to the release of genetically modified organisms and the disposal of such organisms as waste.

Subject to any restrictions deriving from international law, this Act applies:

1. to sources of pollution and waste and sources of waste within the realm,
2. to any threat of pollution within the realm,

3. to sources of pollution or any threat of pollution within the Economic Zone of Norway if the source of pollution is a Norwegian vessel or installation, or otherwise to the extent decided by the King. The application of the Act to exploration for and production and utilization of natural subsea resources on the Norwegian part of the continental shelf, including decommissioning of facilities, is governed by section 4.

The Act applies to Svalbard, Jan Mayen and the Norwegian dependencies to the extent decided by the King. For these areas, the pollution control authority may lay down any amendments to the Act required by local circumstances.

Special rules apply to liability for pollution damage, cf. section 53.

#### **§ 4. Application of the Act to activity on the continental shelf**

The provisions of this Act also apply, subject to any restrictions deriving from international law and from the Act itself (cf. Chapter 8), to exploration for and production and utilization of natural subsea resources on the Norwegian part of the continental shelf, including decommissioning of facilities. The provisions of section 7, first paragraph, cf. Chapter 3, on the duty to obtain a permit and of section 9 on regulations nevertheless apply only to those aspects of such activity that regularly result in pollution. Nor do the provisions of section 7, second paragraph, cf. fourth paragraph, apply to measures to prevent or stop acute pollution.

The pollution control authority may issue further regulations relating to waste from such activity on the continental shelf as is mentioned in the first paragraph. As regards measures to clean up waste, the provisions of section 74, cf. section 7, apply correspondingly instead of section 37.

The pollution control authority may by regulations or individual decisions determine in cases of doubt what is to be regarded as aspects of an activity that regularly result in pollution, and may grant exemptions from the first paragraph.

#### **§ 5. Pollution from transport**

For pollution from roads, railways, etc., harbours and airports, this Act applies to the extent decided by the pollution control authority.

For pollution from individual means of transport, the provisions made in or pursuant to the Product Control Act, the Road Traffic Act, the Seaworthiness Act, the Harbour Act, the Aviation Act and the Railways Act apply instead of the provisions of this Act.

Regardless of the provision of the second paragraph, the second and fourth paragraphs of section 7, Chapter 6 and sections 74, 75, 76 and 77 of this Act apply correspondingly unless such pollution must be regarded as permitted pursuant to other legislation. The provisions of Chapter 7, section 74 and Chapter 10 apply to the implementation of these provisions and any contravention of them.

Restrictions on the application of the Act pursuant to this section apply only insofar as it is not otherwise provided in Chapter 8.

## **Chapter 2. General provisions relating to pollution**

### **§ 6. What is meant by pollution**

For the purpose of this Act, pollution means:

1. the introduction of solids, liquids or gases to air, water or ground,
2. noise and vibrations,
3. light and other radiation to the extent decided by the pollution control authority,
4. effects on temperature

which cause or may cause damage or nuisance to the environment.

The term pollution also means anything that may aggravate the damage or nuisance caused by earlier pollution, or that together with environmental impacts such as are mentioned in items 1 to 4 causes or may cause damage or nuisance to the environment.

### **§ 7. Duty to avoid pollution**

No person may possess, do, or initiate anything that may entail a risk of pollution unless this is lawful pursuant to section 8 or 9 or permitted by a decision made pursuant to section 11.

If there is a danger of pollution contrary to this Act or decisions made pursuant thereto, the person responsible for the pollution shall ensure that measures are taken to prevent such pollution from occurring. If pollution has already occurred, the said person shall ensure that measures are taken to stop or remove the pollution or limit its effects. The person responsible also has a duty to take steps to mitigate any damage or nuisance resulting from the pollution or from measures to counteract it. The duty laid down in this paragraph applies to measures that are in reasonable proportion to the damage and nuisance to be avoided.

The provisions of the second paragraph also apply to pollution that is permitted pursuant to section 11 if it is clear that the decision may be reversed pursuant to section 18, first paragraph, item 1 or 2. The same applies if it is clear for the same reasons that pursuant to section 9, third paragraph, exemptions may be granted from regulations permitting pollution.

The pollution control authority may order the person responsible to implement measures pursuant to the second paragraph, first to third sentences, within a specified time limit.

## **§ 8. Limitations on the duty to avoid pollution**

Ordinary pollution from

1. fisheries, agriculture and forestry, etc.,
2. housing, holiday homes, offices, business premises or assembly rooms, schools, hotels and warehouses, and the like,
3. temporary construction activity

is permitted pursuant to this Act insofar as no special regulations have been issued pursuant to section 9. Applications must nevertheless be submitted for permits for discharges of sanitary waste water unless otherwise provided by regulations.