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# Product Control Act

## **Act 11 June 1976 No. 79 Relating to the Control of Products and Consumer Services**

Law | Date: 11/06/1976 | [Ministry of Climate and Environment](#)

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

The purpose of this Act is to prevent products or consumer services from causing damage to health, prevent products from causing environmental disturbance, and prevent environmental disturbance by promoting effective energy use in products.

*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 19. may 2006. Later amendments are not translated.*

### **Section 1. Purpose of the Act**

The purpose of this Act is to:

- a. prevent products or consumer services from causing damage to health; this includes ensuring that consumer products and services are safe,
- b. prevent products from causing environmental disturbance, for example in the form of disturbance of ecosystems, pollution, waste, noise and the like,
- c. prevent environmental disturbance by promoting effective energy use in products.

## **Section 2. Substantive scope of the Act**

This Act applies to the production, including testing, and to the import, placing on the market, use and other handling of products and consumer services.

The King may by regulations or individual decisions decide that a product or consumer service shall be wholly or partly exempted from the scope of this Act.

### **Section 2a. Definitions**

The term "product" means raw materials, auxiliary materials, intermediate products and finished goods of any kind.

The term "consumer" means a natural person who is acting mainly for purposes not within the sphere of commercial or professional activities.

The term "consumer product" means any product intended for consumers or that can reasonably be expected to be used by consumers.

The term "safe consumer product" means any product that, under normal or reasonably foreseeable conditions of use, does not present an unacceptable risk of damage to health that is not consistent with a high level of protection for the safety and health of persons.

The term "consumer services" means services offered to natural persons for purposes mainly outside the sphere of commercial and professional activities.

he term “safe consumer service” means a service that, under normal or reasonably foreseeable conditions of use, does not present an unacceptable risk of damage to health that is not consistent with a high level of protection for the safety and health of persons.

The term “harmonised standard” means a European standard drawn up in accordance with a mandate from the European Commission and EFTA, and that has been published in the Official Journal of the EU and the EEA Supplement to the Journal.

### **Section 3. Duty of care, etc**

Any person that produces, imports, places on the market, processes, uses or in any other way handles products that may cause such effects as are mentioned in section 1, shall exercise due care and take reasonable steps to prevent or limit such effects.

Any person that owns or manages an enterprise offering consumer services, or that carries out work in such an enterprise, shall exercise due care and take reasonable steps to prevent the consumer service from causing damage to health. The recipient of a consumer service shall exercise due care when making use of the service.

Any person that produces or imports products has a duty to obtain such knowledge as is necessary to evaluate whether the products can cause such effects as are mentioned in section 1.

Any person that owns or manages an enterprise offering consumer services has a duty to obtain such knowledge as is necessary to evaluate the risk of damage to health.

Persons such as are mentioned in the third and fourth paragraphs have a duty to provide users of consumer products and recipients of consumer services with adequate and relevant information so that they are put in a position to evaluate the safety of the products or services and if necessary avoid any inherent risk, unless the action necessary is clear without such information. The information shall be clear, easily available and adapted to the needs of users and recipients. The provision of such information does not exempt any person from compliance with the other requirements of this Act.

This section does not apply to the energy efficiency of a product.

### **Section 3a. Requirement to apply the substitution principle**

Any enterprise that uses products containing chemical substances that may have effects such as are mentioned in section 1 shall evaluate whether there are alternatives that entail a lower risk of such effects. If such alternatives exist, the enterprise shall use them provided that this does not cause unreasonable cost or inconvenience.

### **Section 3b. Criteria for evaluating the safety of consumer products and services**

Unless otherwise provided by the fourth paragraph, consumer products shall be deemed safe, cf section 2a, fourth paragraph, if they conform to a national standard that meets the requirements of a harmonised standard.

In the absence of a harmonised standard such as is mentioned in the first paragraph, or if the harmonised standard is not applicable to the product in question, the safety of a product shall be assessed by taking into account the following in particular:

- a. National standards other than those mentioned in the first paragraph.
- b. Commission recommendations setting guidelines on product safety assessment.
- c. Product safety codes of good practice in force in the sector concerned.
- d. The state of the art and technology.
- e. Reasonable consumer expectations concerning safety.

The second and third paragraphs apply correspondingly when evaluating whether consumer services are considered to be safe, cf section 2a, sixth paragraph.

The provisions of this section do not preclude decisions under sections 4, 6 and 6a in cases where a consumer product or service, despite conformity with the criteria set out in the first and second paragraphs, proves not to be safe.

## **Section 4. Authority of the King**

When so required to prevent products from having such effects as are mentioned in section 1, the King may make decisions:

- a. on the production, import, placing on the market, labelling, use and other handling of products;
- b. on return and deposit schemes or waste recovery and waste management systems, etc. for products;
- c. on the design or composition of products, and maximum limits for noise and releases of pollutants from products;
- d. to the effect that products may not be produced, imported or placed on the market without prior approval;
- e. prohibiting the production, import, placing on the market or use of products.

When so required to prevent consumer services from causing damage to health, the King may make decisions:

- a. on the publication of warnings or safety information;
- b. on requirements relating to the qualifications of persons who carry out work in connection with a consumer service;
- c. on operating requirements;
- d. to the effect that consumer services may not be offered without prior approval;
- e. prohibiting the offering of the consumer services.

Decisions made under the first and second paragraphs shall in general be made by regulations and apply to products and consumer services of a certain type. It may be determined that they shall only apply to certain geographical areas.

## **Section 4a. Energy efficiency requirements**

To promote the use of energy-efficient products, the King may make decisions:

- a. on maximum limits for energy use by products, including methods for calculating maximum permitted energy use, who is to be responsible for calculations, and test methods;
- b. on the production and placing on the market of products;
- c. on the labelling of products, including the design of labels, and decisions to the effect that products placed on the market in contravention of decisions on labelling shall be withdrawn from the market;
- d. on technical documentation, including who is to prepare such documentation and how long it shall be kept for inspection purposes. To the extent necessary for an evaluation of the product's energy efficiency, technical documentation shall include information on the construction, manufacture and mode of operation of the product;
- e. on written declarations on agreement between labelled and actual energy use, including rules on keeping such declarations.

Decisions made under the first paragraph shall in general be made by regulations and apply to products of a certain type.

## **Section 5. Duty to provide information**

Any person has a duty on the orders of the King to provide the information necessary for carrying out tasks under this Act. Public authorities have a duty to provide information notwithstanding any duty of confidentiality. The King may determine the form in which the information is to be provided.

The King may require any person that produces or imports products to submit a representative sample of the product or initiate such investigations as may be necessary to evaluate the characteristics and effects of a product. The costs of investigations such as are mentioned in the first sentence shall be borne by the producer or importer concerned, unless the King decides that the costs shall be borne in whole or in part by the public authorities.

The King may take the initiative for such investigations, and may when this is considered appropriate require the producer or importer to bear the costs of the investigation. Costs are enforceable by execution proceedings.

## **Section 5a. Retaining documents relevant for tracing consumer products**

Any distributor of consumer products shall be able to provide the information needed to specify and trace the origin of such products. Such information shall be kept available for control for five years from the end of the year in which the information is received.

## **Section 6. Temporary prohibition**

When special reasons so indicate, the King may impose a temporary prohibition on the production, import, placing on the market, use or other handling of products, or on the offering of consumer services, until sufficient information has been submitted in accordance with section 5. The same applies if there is good reason to doubt the information so submitted.

When necessary in order to evaluate the characteristics of a product or the health risk presented by a consumer service and to lay down further provisions pursuant to section 4, a prohibition may be imposed as mentioned in the first paragraph for a period not exceeding six months calculated from the time when adequate information is available. When special reasons so indicate, such a prohibition may be extended for a further six months.

## **Section 6a. Recall, withdrawal, etc. of products and consumer services**

The King may make decisions under this section if there is an unacceptable risk that a product could cause damage to health or environmental disturbance such as is mentioned in section 1, first paragraph, or decide that a consumer service involves an unacceptable risk of damage to health.

Such decisions may involve issuing orders to any person that produced, imports, processes, places on the market or in any other way handles a product to take measures, alone or jointly, to reduce the risk presented by the product, including the following:

- a. publishing warnings or the like to distributors or users of the product;
- b. recalling the product from users or withdrawing it from distributors;
- c. rendering the product harmless.

With respect to consumer services, such decisions may involve requiring the person responsible for the enterprise that has performed the service to:

- a. publish warnings to users;
- b. remedy the situation that is causing the risk of damage.

Decisions may also be made prohibiting the export of products and consumer services that present an unacceptable risk such as is mentioned in the first paragraph. The competent authority may itself implement measures under the second and third paragraphs. The person who could have been ordered to implement such measures may be required to reimburse such costs.

## **Section 6b. Duty to provide notification**

Producers, importers or distributors that know or should know that a product they have made available to users presents an unacceptable risk of such effects as are mentioned in section 1 shall immediately notify the supervisory authorities of this.

When notification of unsafe consumer products is made, the information to the supervisory authorities shall include specification of the steps that have been taken to prevent the products from presenting an unacceptable risk to consumers.

The King may lay down further provisions on the duty to provide notification and on when exemptions may be made from this duty.

The duty to provide notification under the first and second paragraphs applies correspondingly to any person that owns or manages an enterprise offering consumer services and that knows or should know that such services present an unacceptable risk of damage to health.

## **Section 7. Approval of products**

Products and consumer services that are subject to approval under section 4 shall be declared to the competent authority together with an application for approval. Applications shall contain the information necessary to evaluate the characteristics and effects of the product or consumer service such as are mentioned in section 1. The King may lay down further provisions concerning the contents of such applications.

In decisions concerning approval, such conditions as are considered necessary to prevent or limit possible adverse effects may be laid down. Approval may be granted for a limited period of time.

Approval may be withdrawn by the King if:

- a. new information on or new assessments of the product or consumer service make this desirable;
- b. the person that has been granted approval wilfully or negligently contravenes the conditions laid down for approval.

## **Section 8. Supervision**

The King will decide which instance shall be responsible for ensuring the implementation of this Act and any decisions made under the Act.

The supervisory authority shall be given free access to buildings, means of transport, storage facilities, installations, areas, and the like where products that may have the effects mentioned in section 1 are present, or where consumer services that may cause damage to health are offered.

The supervisory authority may also undertake the necessary sampling and control of such products and of equipment, etc. used for such consumer services.

Unless important considerations indicate otherwise, the supervisory authority shall draw up written reports on the results of such controls.

The King may make regulations relating to internal control and internal control systems to ensure compliance with requirements laid down in or under this Act.

## **Section 8a. Fees.**

The King may make regulations relating to fees for dealing with applications for permits or the like under the provisions of this Act or regulations issued under the Act, and for control measures carried out to ensure compliance with the provisions of the Act or decisions under it. The amount of the fees shall be such that the total fees do not exceed the costs incurred by the product control authorities in connection with the administrative process or the control system.

Fees are enforceable by execution proceedings.

## **Section 9. Right to information about products that is held by a public authority**

Any person is entitled to receive information from a public authority about products that have or may have effects such as are mentioned in section 1, provided that the information is held by the public authority concerned and no exemption has been made from the right to receive information pursuant to this Act. The term public authority means such an authority as defined in section 5, subsection 1, of the Environmental Information Act.

A request for information may be summarily dismissed if it is formulated in too general a manner or does not provide an adequate basis for identifying what is meant by the request. Before such a request is dismissed, the person requesting information shall be given reasonable assistance to formulate the request in such a way that it can be addressed.

A request for information may be refused if there is a genuine and objective need to do so in a specific case and the information, or the document containing the information, may be exempted from public disclosure under Chapter 3 of the Freedom of Information Act. When considering whether such a genuine and objective need exists, the environmental and public interests served by disclosure shall be weighed against the interests served by the refusal. If the environmental and public interests outweigh the interests served by the refusal, the information shall be disclosed.

A request for information that is subject to a statutory duty of confidentiality shall be refused unless otherwise provided by section 11, second paragraph.

Refusal of a request for information may be appealed. The provisions of sections 6, 10, subsections 2 and 4, 11, subsection 3, 13 and 15 of the Environmental Information Act concerning payment, administrative procedures and appeals etc., and regulations laid down under section 7 of the Environmental Information Act, apply insofar as appropriate.

## **Section 10. Right to information about products from the producer, importer, processor, distributor or user**

Any person is entitled to information about

- a. whether a product contains components or has characteristics that may result in effects such as are mentioned in section 1,
- b. the components or characteristics to which this applies,
- c. how the product must be handled to prevent effects such as are mentioned in section 1,
- d. significant injury to health or environmental disturbance caused by production and distribution of the product, and
- e. who is the producer or importer of the product.

Information in accordance with the first paragraph may be requested from the producer, importer, processor, distributor or user of the product.

The right to information under the first paragraph d) also applies to information concerning the environmental impact of production or distribution of a product outside Norway's borders insofar as such information is available. The enterprise shall request such information from the previous link in the supply chain if this is necessary to enable it to answer the request for information.

A request for information may be summarily dismissed if it is formulated in too general a manner or does not provide an adequate basis for identifying what is meant by the request.

A request for information may be refused if

- a. the request is clearly unreasonable, or
- b. the information requested concerns technical devices and procedures, as well as operational or business matters which for competition reasons it is important to keep secret in the interests of the person whom the information concerns.

Refusal of a request for information may be appealed. The provisions of sections 6, 17, sub-section 3, 18 and 19 of the Environmental Information Act concerning payment, administrative procedures and appeals, and regulations laid down under section 7 of the Environmental Information Act, apply insofar as appropriate.

The producer, importer, processor, and distributor of a product shall transmit information to which this section applies to the next link in the supply chain.

## **Section 11. Duty of confidentiality**

Subject to the limitations that follow from the activities carried out by the person concerned under the Act, every person shall observe confidentiality concerning any information acquired during the performance of duties or work under the Act concerning a product's composition or characteristics, or concerning production methods, research results, plans, forecasts, business analyses and calculations and other trade secrets in connection with the product that other enterprises could use for their own use to the detriment of the enterprise that provided the information. Nor may the information be used in connection with the person's own activities.

The duty of confidentiality does not preclude the provision of information on the effects of the product as mentioned in section 1, or when necessary an explanation of the causes of such effects, or information on precautionary measures to prevent or reduce effects such as are mentioned in section 1.

Nor shall the duty of confidentiality prevent the exchange of information (coordination) required by the Act relating to the reporting obligations of enterprises.

The duty of confidentiality applies in the same way and with corresponding limitations to any knowledge a person acquires about consumer services or service activities when carrying out tasks under the Act.

A public authority as defined in section 5, subsection 1, of the Environmental Information Act may require any person that provides the authority with information, or that is affected by a request for information, to identify information which for competition reasons it is important to keep secret, and to give reasons for this.

Before information that is subject to a statutory duty of confidentiality is disclosed under the second paragraph above, the person whom the information concerns shall be given the opportunity to express an opinion within an appropriate time limit.

If the public authority wishes to disclose information that is subject to a statutory duty of confidentiality, the person whom the information concerns shall be notified. The decision to disclose the information may be appealed under the provisions of section 15 of the Environmental Information Act. The provisions of section 15 apply correspondingly. An appeal has suspensive effect.

## **Section 12. Criminal liability**

Any person that wilfully or negligently contravenes provisions set out in or issued under this Act, or conditions laid down under section 7, shall be liable to fines, a term of imprisonment not exceeding three months or both, unless more severe penal provisions apply. This does not apply to contravention of sections 9, 10 and 11, fifth paragraph. Contravention of section 3 shall only be penalised if such contravention is wilful or a result of gross negligence. An accomplice is liable to the same penalties.

Any person that contravenes the duty of confidentiality laid down in section 11 of this Act shall be liable to fines, imprisonment for a term not exceeding six months or both. If a person contravenes the duty of confidentiality for the purpose of acquiring an unlawful gain for himself or another person, a term of imprisonment not exceeding two years may be imposed.

## **Section 13. Coercive fines**

In the event of contravention of conditions, orders or prohibitions issued under this Act, the King may impose a coercive fine. An order to pay a coercive fine is enforceable by execution proceedings. The King may waive a coercive fine if this is considered appropriate.

## Section 14. Geographical scope of the Act

This Act applies in the realm, including Svalbard and Jan Mayen, on board Norwegian ships or aircraft in areas that are not under the sovereignty of any state and to installations and facilities on the Norwegian continental shelf. The King may by individual decisions or regulations grant exemptions from the provision of the first sentence and lay down supplementary provisions on the scope of the Act.

## Section 15. Provisions for the implementation of the Act

The King may lay down further provisions on the implementation of this Act, including provisions on cooperation between different authorities.

## Section 16. Entry into force – repeal of and amendments to other acts

This Act enters into force from the date decided by the King. From the same date, the following acts are repealed - - -

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## Related regulations

- > [Pollution Regulations](http://www.regjeringen.no/en/dokumenter/pollution-regulations/id512074/) (http://www.regjeringen.no/en/dokumenter/pollution-regulations/id512074/)
- > [Waste Regulations](http://www.regjeringen.no/en/dokumenter/waste-regulations/id512073/) (http://www.regjeringen.no/en/dokumenter/waste-regulations/id512073/)
- > [Product Regulations](http://www.regjeringen.no/en/dokumenter/product-regulations/id512072/) (http://www.regjeringen.no/en/dokumenter/product-regulations/id512072/)
- > [Regulation Concerning the Declaration and Labelling of Microbiological Products](http://www.regjeringen.no/en/dokumenter/declaration-and-labelling-of-microbiolog/id440456/) (http://www.regjeringen.no/en/dokumenter/declaration-and-labelling-of-microbiolog/id440456/)

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The following persons are responsible for the Ministry of Climate and Environment's website:

Editor-in-chief: Jon Berg

Web-editor: Martin Lerberg Fossum

Telephone: +47 22 24 57 11

Email: postmottak@kld.dep.no

Contact employees in the Ministry: Depkatalog

Organisation number: 972 417 882