



Act on food production and food safety etc. (Food Act)

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Short title	The Food Act - food

Cf. *previous laws* 28 May 1959 No. 12 (Fish Quality Act), 6 April 1962 No. 3 (Oats Act), 8 June 1962 No. 4 (Livestock Act), 5 Apr 1963 No. 9 (Plant Pesticides Act), 6 May 1970 No. 25 (Molt Map Act), 4 Dec 1970 No. 82 (Seeds Act), 4 Dec 1970 No. 83 (Fertilizers Act), 23 March 1973 No. 18 (Forage Products Act), 17 March 1978 No. 6 (Coordination Act), 10 January 1997 No. 9 (Meat Production Act), 13 June 1997 No. 54 (Fish Disease Act) and 23 June 2000 No. 53 (Plant Health Act).

Briefly about the law

Last changed 28.10.2023

The Food Act is a Norwegian law whose purpose is, among other things, to ensure health safety foodstuffs, to promote health, quality and consumer consideration throughout the production chain, ensuring environmentally friendly production and promoting good plant and animal health. The Act is enforced by the Norwegian Food Safety Authority. The law gives the authorities an extended duty to report and inform people, and furthermore the duty to publish the results of controls.

The penalty for violations of provisions in the Food Act is fines and/or imprisonment for one year, in particularly aggravating circumstances imprisonment for up to two years.

The Food Act replaced 13 laws in whole or in part: the Food Act, the Molt Map Act, the Fish Quality Act, the Flaked Oats Act, the Livestock Act, the Plant Pesticides Act, the Sows Act, the Fertilizers Act, the Feed Act, the Coordination Act, the Meat Production Act, the Fish Diseases Act and the Plant Health Act.

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Chapter I. Purpose, scope and definitions

§ 1. Purpose

The purpose of the Act is to ensure health-safe foodstuffs and to promote health, quality and consumer considerations along the entire production chain, as well as ensuring environmentally friendly production.

The Act shall further promote good plant and animal health.

The Act must also take care of the actors along the entire production chain, including market access abroad.

§ 2. Factual scope

The Act covers all conditions in connection with the production, processing and distribution of inputs and foodstuffs, including drinking water. The Act also covers all conditions in connection with the production of materials and objects that are destined to come into contact with, or may have an impact on, inputs or foodstuffs. Furthermore, the law covers all use of input goods.

The Act covers all matters relating to plant and animal health, including products and objects and organisms that can carry infection.

§ 3. Urban area of operation

The Act applies to Norwegian land and sea territory, Norwegian air and sea vessels, and installations on the Norwegian continental shelf. The King can issue further regulations on the application of the Act, including on application to foreign registered ships en route to Norwegian ports.

The King can issue regulations on the application of the law on Svalbard, Jan Mayen, the subsidiary countries, in Norway economic zone, the fishing zone at Jan Mayen and the fishing protection zone at Svalbard. The king can lay down special rules taking account of the local conditions.

§ 4. Definitions

In this Act is understood to include

1. business: Any private or public enterprise as well as private individuals who carry out any activity as mentioned in § 2, apart from activities for private and non-commercial purposes.
2. turnover: Possession with a view to sale, supply for sale, distribution, as well as the sale itself and any other form of transfer with or without consideration.

Chapter II. General requirements and obligations

§ 5. Duty of compliance and systematic control measures

The business must ensure that relevant provisions given in or pursuant to this Act are complied with. The King can issue regulations on who is responsible in the business, and on the obligation to notify the supervisory authority.

The King can issue regulations on the obligation to establish and implement systematic control measures.

§ 6. Prevention of danger, notification and implementation of measures

If there is reason to suspect a danger to health-damaging foodstuffs or health or environmentally harmful inputs, the business must immediately notify the supervisory authority.

The business and anyone else have a similar duty to notify if there is a suspicion of an infectious animal disease that could have significant social consequences. If there is reason to suspect plant pests that could have significant social consequences, the business and owner or user of real estate have a duty to notify.

The business must immediately take the necessary measures to prevent, reduce or eliminate any harmful effects, including ceasing sales and withdrawing from the market.

The King can issue further regulations on the prevention of danger, notification and the implementation of measures, including information to the general public.

The King can similarly issue regulations on the prevention of misconduct, notification and implementation of measures, including information to the general public.

0 Amended by Act 2 February 2024 no. 8 (in force 1 July 2024 in accordance with res. 2 February 2024 no. 152).

§ 7. Establishment, design and operation

The business must ensure that the location, design and operation of activities is hygienically sound.

The King can, in regulations, set further requirements for the establishment, location, design and operation of activities in businesses, including notification, registration and approval and the lapse of approval.

The King can, in regulations, make demands on suppliers of services to businesses mentioned in the first paragraph, including on approval.

The King can, in regulations, prohibit any condition that may entail a risk of contamination in the water supply system and internal distribution network.

Section 11 second paragraph of the Service Act on automatic approval does not apply to approvals pursuant to this section.

The King may, in regulations, determine special processing deadlines for approvals pursuant to this section.

0 Amended by Act 19 June 2009 no. 103 (in force 28 December 2009 according to res. 19 June 2009 no. 672). Amended by law 2 February 2024 no. 8 (in force 1 July 2024 according to res. 2 Feb 2024 no. 152).

§ 8. Training and competence

The business must ensure that anyone who participates in an activity covered by this Act has necessary competence.

The King can issue further regulations on education, training and competence, including the authorization of personnel.

0 Amended by Act 2 February 2024 no. 8 (in force 1 July 2024 in accordance with res. 2 February 2024 no. 152).

§ 9. Product approval, content, composition and quality

In regulations, the King can set requirements for inputs, plants, animals, foodstuffs, animal by-products as well as materials and objects that are destined to come into contact with or may have an impact on inputs or foodstuffs, including approval, content and quality etc.

The King can issue regulations on the limitation or total ban on the content of genetically modified products organisms, against the content of genes from genetically modified organisms, and products from certain genetically modified organisms.

§ 10. Marking, presentation and advertising

The business must ensure that labelling, presentation, advertising and marketing are correct, provide the recipient with sufficient information and are not suitable to mislead.

The King can issue further regulations on labelling, presentation and advertising, including prohibitions against health-related unwanted marketing and about conditions for the use of voluntary labeling schemes.

§ 11. Traceability

The King can issue regulations on the traceability of inputs, plants, animals or foodstuffs, as well as on the traceability of materials and objects that are destined to come into contact with, or may have an impact on, inputs or foodstuffs.

Section 12. Prohibition against catching, harvesting, trading, etc.

The King can establish in regulations

a. bans on catching and harvesting, b.

bans or restrictions on the sale and use of goods that are covered by this Act, and c. requirements for or bans on imports and exports, etc.

to carry out the purpose of the Act or to safeguard Norway's international obligations.

§ 13. Access to place, obligation to provide assistance, sampling, etc.

The business must give the supervisory authority unhindered access to the place or premises where it takes place activity covered by the law, so that the supervisory authority can carry out the necessary investigations. Foreign inspectors can participate in inspections etc. when necessary to meet Norway's international obligations.

The business must provide the necessary premises, fixtures, work assistance and tools free of charge available for carrying out the inspection and otherwise be helpful and facilitate the inspection.

The business must, at the request of the supervisory authority, provide the necessary information free of charge sample material or results of carried out analyses.

Everyone has the same duty as businesses according to the first to third paragraphs, when appropriate there is reason to suspect an infectious animal disease or plant pest that could have significant societal consequences, or when it is necessary to meet Norway's international obligations.

In special cases, the supervisory authority can order slaughterhouses and facilities that process animal by-products to make facilities, equipment and labor available to carry out specific tasks.

The King can issue further regulations on access to a place, duty to provide assistance, sampling, etc.

§ 14. Obligation to provide information and report

The business must, when the supervisory authority requires it, provide or send in the necessary information and sample material. The same applies to anyone who is in possession of animals, plants or other objects or organisms that can carry infection. The supervisory authority can decide how the information is to be provided, including form, degree of detail etc.

Anyone can be required to provide or submit information and sample material when this is necessary for reasons of control of imports or for reasons of infection control.

The King may issue further regulations on the duty to provide information and report as well as the duty to publish the results of inspections carried out.

§ 15. Documentation etc.

The King can issue regulations on documentation, including requiring the issuance of and obligation to obtain and store documentation, as well as the obligation to attach certificates, certificates or other documentation for transport and sales.

Chapter III. Special requirements and obligations

§ 16. Food safety

It is forbidden to sell foodstuffs that are not safe. A foodstuff must be considered for not to be safe if it is considered harmful to health or unfit for consumption.

The King can issue further regulations on when a foodstuff is considered not to be safe.

§ 17. Deposit security

It is forbidden to sell feed or to give it to animals that can be used as food, if the feed is not safe. Feed shall be considered not to be safe if it is considered to be harmful to the health of humans or animals, or makes food from animals unfit for consumption.

The King can issue further regulations on when feed is considered not to be safe, and set requirements for security for other inputs.

§ 18. Plant health

Everyone must exercise the necessary care, so that there is no risk of the development or spread of plant pests.

Plants must not be traded or moved when there is reason to suspect plant pests that could have significant social consequences.

The king can issue further regulations to prevent, monitor and combat plant pests, including a. classification and grouping of plant pests, b. creation of zones, c. requirements for plants, objects, products and organisms that may entail a risk of spread of plant pests, and

d. duty to inform about restrictions due to plant pests, including the obligation to register restrictions on the property.

§ 19. *Animal health*

Everyone must exercise the necessary care, so that there is no risk of the development or spread of infectious animal disease.

Live animals must not be traded, taken into animal husbandry, moved or released when there is reason to suspicion of an infectious animal disease that can have significant social consequences.

The King can issue further regulations to prevent, monitor and combat animal diseases and infectious agents, including if:

- a. classification and grouping of diseases and infectious agents, b. creation of zones with different health and disease status as well as epidemiologically separated regions, c. approval and use of vaccines and other medicinal treatment for animals, d. moving, transport, sale and use of live and dead animals, animal by-products, objects etc., e. control of breeding animals, removal of sexual products and reproduction of animals, and
- f. access restrictions for persons who may bring infection to buildings used for animals, feed or equipment for animals, and about the obligation to leave their person and objects brought are disinfected.

0 Amended by Act 2 February 2024 no. 8 (in force 1 July 2024 in accordance with res. 2 February 2024 no. 152).

§ 20. *(Repealed)*

0 Repealed by Act 19 June 2009 no. 97 (in effect 1 January 2010 according to res. 19 June 2009 no. 703).

Chapter IV. Fees, charges, compensation schemes, etc.

§ 21. *Fees and charges*

The King can, in regulations, order the payment of a fee to cover the costs of supervision, control and special services, such as issuing certificates and approvals, in accordance with this Act.

The King may, in regulations, order businesses to pay a tax on foodstuffs to cover the costs of supervision and control under this Act, which are not covered by a fee in accordance with the first paragraph.

The King can, in regulations, impose an environmental tax on plant protection products on producers and importers.

The king can, in regulations, order those who sell seeds, plants and plant parts to pay a fee for the promotion of plant breeding and the administration and control that this business requires.

The King may make further provisions on the calculation, collection and payment of fees and charges.

In the event of delayed payment of fees and charges, interest must be paid in accordance with Act 17.

December 1976 No. 100 on interest in late payment.

Fees and charges are compulsory grounds for attachment.

0 Amended by Act 12 Dec 2014 no. 68 (in force 1 Jan 2015 acc. res. 12 Dec 2014 no. 1597).

§ 22. Compensation for imposed measures against diseases, infectious agents and pests in animals and plants

The owner must receive compensation for livestock that is euthanized according to an order cf. § 23, dies before such an order is given, or dies as a result of ordered treatment. Conditions for the right to compensation are that the owner or other person who is responsible for the animals, etc., has not intentionally or grossly negligently caused the disease, the outlay or the loss, and that he has fulfilled the obligation to notify cf. § 6 and followed decisions made in or in support of of this Act. No compensation is paid for dogs, cats and companion animals.

When the owner is entitled to compensation under the first paragraph, the person in question must also be compensated for the necessary expenses for killing, burying or destroying animals, required treatment, cleaning and disinfection as well as losses resulting from the ordered destruction of houses, furnishings, feed, tools and fertiliser. .

The King may issue regulations on compensation for other losses or expenses as a result of imposed measures against diseases and infectious agents in animals, for measures that are imposed to prevent or combat plant pests, as well as on the determination, scope and measurement of compensation pursuant to this section.

Chapter V. Administrative provisions, sanctions and penalties

§ 23. Supervision and decisions

The Norwegian Food Safety Authority supervises and can make the necessary decisions for the implementation of the provisions given in or pursuant to this Act, including prohibiting import, export and sale or ordering withdrawal from the market, isolation, killing, destruction, scrapping, bandaging, labeling or special treatment. The King can delegate authority to other public or private bodies and make provisions on who is the appeal body in such cases.

If the orders are not complied with, it is unknown who is responsible, or it is necessary to implement measures quickly, the supervisory authority can itself implement measures as mentioned in the first paragraph. Measures can be carried out at the expense of the person responsible. Amounts owed are compulsory grounds for attachment.

The Norwegian Food Safety Authority can determine, change and cancel out of consideration for Norway's international obligations time-limited regulations without prior consultation, and announce regulations in a special way.

Public authorities are obliged, at the request of the supervisory authority, to provide the necessary information without being hindered by the duty of confidentiality. The police, customs, coast guard and municipalities must assist the supervisory authority on request.

0 Amended by Act 12 Dec 2014 no. 68 (in force 1 Jan 2015 acc. res. 12 Dec 2014 no. 1597). **Amended** by law 2 Feb 2024 no. 8 (in force 1 July 2024 according to res. 2 Feb 2024 no. 152).

§ 24. Separate contamination cleanup

Property, building or movable property where infectious agents or plant pests are suspected may be ordered to be cleaned, disinfected or destroyed, etc. Restrictions may also be imposed on the use of such property, building or movable property.

Dead animals or infectious objects can, when necessary to avoid infection, be buried on the owner's land, and in special cases on another person's land, if this can take place without significant inconvenience to the owner or user of the land. In the event of burial on another person's land, compensation is provided in accordance with section 22.

§ 23 second paragraph applies accordingly.

§ 25. Closure and business quarantine

When circumstances have arisen or may arise that may cause a risk to health-damaging foodstuffs, animal or plant health or a risk of environmental damage, the business may be ordered to close one or more activities. The same applies if the business operates without the necessary approval.

Business that fails to comply with important orders or grossly violates regulations granted in or pursuant to this Act, may be ordered to close one or more activities for a more closely defined period of up to 6 months. The person who is responsible for activities as mentioned in the first sentence may be refused to start up or carry out one or more activities for a correspondingly limited period as mentioned in the first sentence.

If orders to close are not complied with, it is unknown who is responsible, or that if it is necessary to have measures carried out quickly, the supervisory authority can carry out the closure itself. Closure can be carried out at the expense of the person responsible. Amounts owed are compulsory grounds for attachment.

0 Amended by Act 12 Dec 2014 no. 68 (in force 1 Jan 2015 acc. res. 12 Dec 2014 no. 1597).

§ 26. Compulsory fine

Businesses that fail to comply with individual decisions within the set deadline can be imposed a compulsory fine in the form of a one-off fine or ongoing daily fine. The size of the compulsory fine is determined taking into account how important it is that the order is carried out, and what costs it is expected to entail.

Compulsory fines can already be set in connection with the order being given when it is necessary that the deadline be met.

An order for a compulsory fine is a compulsory basis for attachment. The supervisory authority can waive accrued compulsory fines.

The King can issue further regulations on the determination and calculation of compulsory fines.

Section 27. Information to the general public

In case of suspicion that there may be a risk to human or animal health related to consumption of foodstuffs or feed, the supervisory authority shall, on its own initiative, provide the public with relevant information in its possession.

The supervisory authority can also provide relevant information to the general public when consumer or other societal considerations call for it.

The King can issue regulations on information to the general public.

0 Amended by Act 2 February 2024 no. 8 (in force 1 July 2024 in accordance with res. 2 February 2024 no. 152).

Section 27 a. *The Norwegian Food Safety Authority's tasks related to conditions that can cause disease in humans*

0 Added by law 2 February 2024 no. 8 (in force 1 July 2024 in accordance with res. 2 February 2024 no. 152).

Section 28. *Punishment*

Intentional or negligent violation of provisions made in or pursuant to this Act or decisions made pursuant to the Act, is punishable by fines or imprisonment of up to 1 year or both, provided that the relationship is not affected by stricter penal provisions. In particularly aggravating circumstances, imprisonment for up to 2 years can be used.

The King can decide by regulation that fines, on the spot or afterwards, for violations of a more specified type can be done by means of a simplified summons according to fixed fine rates. In such a notice, the sentence and the criminal offense may be indicated by key words or in a similar way.

Proposals that have been printed on the spot are lost if they are not immediately adopted. If the accused is under 18 years of age, a short deadline may be given for the adoption of the subpoena. Section 256 no. 5 of the Criminal Procedure Act applies accordingly to subpoenas that have been issued subsequently. Such a proposal will lapse if it is not adopted within the deadline. The King can issue further regulations on the procedure when the draft is printed afterwards.

The public prosecutor's office can revoke an adopted injunction in favor of the accused.

A police officer who does not otherwise have subpoena authority can be given the authority to issue a simplified subpoena.

The King issues detailed rules on the use of simplified submissions pursuant to this section and stipulates fine rates and subsidiary prison sentences for the offenses which the scheme shall cover.

0 Amended by Act 19 June 2015 no. 65 (in force 1 October 2015).

Chapter VI. Other provisions

Section 29. *Establishment of data registers*

The supervisory authority can create or link to data registers when necessary for the purposes of the law, or when necessary to safeguard international agreements that Norway has entered into. Such registers cannot, without consent, contain personal data that is covered by the Personal Data Protection Regulation Article 9 No. 1 on special categories of personal data.

The King can issue regulations on the obligation to submit information to such registers.

0 Amended by Act 15 June 2018 no. 38 (in effect 20 July 2018 in accordance with notification 17 July 2018 no. 1195). **Amended** by law 2 Feb 2024 no. 8 (in force 1 July 2024 according to res. 2 Feb 2024 no. 152).

§ 29 a. Processing of personal data

0 **Added** by law 2 February 2024 no. 8 (in force 1 July 2024 in accordance with res. 2 February 2024 no. 152).

§ 30. Protection of designations

In regulations, the King can issue rules on the protection and use of product designations and product designations, rules for compensation in the event of unlawful use of such designations, as well as special procedural rules in relation to such regulations.

In this connection, the King can also restrict registration access in regulations of the Trade Marks Act, Act 21 June 1985 No. 79 on the exclusive right to company names and other business characteristics, Act 12 March 1993 No. 32 on plant breeders' rights, Act 7 June 2002 No. 19 on personal names and Act 14 March 2003 No. 15 on protection of designs, and limit rights granted in or pursuant to the same laws, if no objections have been received against a designation being protected in accordance with regulations issued pursuant to this law.

0 Amended by law 26 March 2010 no. 8 (in accordance with 1 July 2010 according to res. 25 June 2010 no. 936), 22 June 2018 no. 76.

§ 31. Compensation schemes

The King can issue regulations on compensation to facilitate compliance with the requirements and obligations of the Food Act in primary production.

§ 32. Dispensation

In special cases, the supervisory authority can dispense with the provisions given in or in accordance with of Chapters 2 and 3 of this Act, provided that it will not conflict with Norway's international obligations, including the EEA Agreement.

Section 33. Implementation and completion

The King may issue regulations that are necessary to ensure the implementation and completion of this Act.

The King can lay down the regulations that are necessary to fulfill Norway's obligations such as as a result of the EEA agreement, including that in the event of a conflict, such regulations shall take precedence over this Act.

Chapter VII. Entry into force and transitional provisions

Section 34. *Repeal of other laws*

The following laws are repealed: ---

§ 35. *Other legislative amendments*

Section 36. *Entry into force and transitional provisions*

This Act enters into force on 1 January 2004.

Regulations or individual decisions issued in or pursuant to statutory provisions that are repealed or amended pursuant to §§ 34 or 35 continue to apply until they are repealed.