



## Regulation on recycling and treatment of waste (waste regulations)

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**EEA references:** EEA Agreement Annex II Chapter XV

No. 12x (Directive 2006/66/EC amended by Directive 2008/103/EC and Directive 2013/56/

EU), No. 12zh (Decision 2008/763/

EC), No. 12zt (Decision 2009/603/

EC) and No. 12zzi (Regulation (EU) No.

493/2012), Chapter XVII No. 7 (Directive 1994/62/EC amended by Directive 2004/12/EC, directive 2005/20/EC, directive 2013/2/

EU, directive (EU) 2018/852 and the Commission's implementing decision (EU)

2019/665), ch. XX no. 21ab, no. 32e (directive 2000/53/EC which amended by Directive (EU)

2018/849) and No. 32fa (Directive 2008/112/EEC).

EEA Agreement Annex

XX No. 1f Decision (EU) 2019/2010,

No. 21ar (Directive 2001/81/

EC), No. 22a (Regulation (EC) No.

1102/2008), No. 32a (Directive 91/ 689/EEC amended by

Directive 94/31/EC), No. 32aa (Decision 2000/532/EC amended by Decision 2001/118/EC, Decision 2001/119/EC, Decision

2001/573/EC

and Decision 2014/955 /EU), No. 32c (Regulation (EC) No. 1013/2006 amended by Regulation (EC) No. 1379/2007, Regulation

(EC) No. 669/2008, Regulation (EC) No. 308/2009, Regulation (EU) No. 413/2010, Regulation (EU) No. 664/2011, Regulation

(EU) No. 135/2012, Regulation (EU) No. 255/2013, Regulation (EU) No. 660/2014, Regulation (EU) No. 1234/2014, Regulation

(EU) 2015/2002,

Regulation (EU) 2020/2174), No. 32cb (Regulation (EC) No. 1418/2007 as amended by Regulation (EC) No. 740/ 2008,

Regulation (EC) No. 967/2009, Regulation (EU) No. 837/2010, Regulation (EU) No. 661/2011, Regulation (EU) No. 674/2012,

Regulation (EU) No. 57/ 2013, Regulation (EU) No. 519/2013, (EU) No. 733/2014, Regulation (EU) 2021/1840 and

Regulation (EU) 2022/520), No. 32d (Directive 1999/31/EC amended by decision 2003/33/EC, directive 2011/97/

EU and directive (EU) 2018/850),

no. 32fa (directive 2012/19/EU).

No. 32fe (Directive 2006/21/EC), No.

32fea (Decision 2009/335/EC), No.

32feb (Decision 2009/337/EC), No.

32fed (Decision 2009/359/EC), No.

32fee (Decision 2009/360/EC), No. 32ff (Directive 2008/98/EC as amended by Regulation (EU) No. 1357/2014, Regulation (EU)

No.

2017/997 and Directive (EU) 2018/851 ),

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1430, 20 Dec 2007 no. 1668, 26 Feb 2008 no. 193, 25 June 2008 no. 766 as amended by 2 Feb 2009 no. 105, 27 June 2008

no. 741, 30 June 2009 no. 918, 29 April 2010 no. 609, 25 June 2010 no. 979, 21 June 2010 no. 1073, 1 Nov 2010 no. 1394, 13

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Jan 2020 No. 42, 15 April 2020 No. 797, 3 Feb 2020 No. 510 (in force 1 July 2020), 30 Sep 2020 No. 1996, 1 Dec 2020 No. 2556,

24 Sep 2020 No. 1976 (in force 1 Jan 2021), 18 Dec 2020 no. 3217 (in force 1 Jan 2021), 28 April 2021 no. 1314 (in force 1 May

2021), 4 May 2021 no. 1397, 14 Dec 2020 no. 3341 (in force 1 June 2021), 18 May 2021 no. 2041 (in force 1 July 2021), 28 June

2021 no. 2311, 3 Dec 2021 no. 3374, 19 Nov 2021 no. 3236 (in force 1 Jan 2022), 18 May 2022 no. . ), 30 Jan 2023 No. 161, 13

March 2023 No. 340, 20 March 2023 No. 377, 16 May 2023 No. 962, 26 May 2023 No. 782, 29 Sep 2023 No. 1587, 10 Nov

2023 No. 1885 (in force 1 Jan 2024), 4 Dec 2023 no. 1954 (in force 1 Jan 2024).

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Provisions on -

discarded electrical and electronic products are in chapter 1 - environmentally harmful batteries are in chapter 3 - discarded vehicles are in chapter 4 - collection and recycling of discarded tires are in chapter 5 - return systems for packaging for beverages are in chapter 6 - reimbursement of tax on trichloroethene (TRI) is in chapter 7 - disposal of waste is in chapter 9 - incineration of waste is in chapter 10 - incineration of hazardous waste is in chapter 10a - incineration of municipal waste is in chapter 10b - incineration of waste oil is in chapter 10c - hazardous waste is in chapter 11 - fee for declaration of hazardous waste is in chapter 12 - cross-border transport of waste is in chapter 13 - supervision, complaints, penalties etc. is in chapter 17.

## Chapter 1. Discarded electrical and electronic products

0 Chapter 1 amended by regulation 2 May 2005 no. 406 as amended by regulation 27 June 2006 no. 754 (in force 1 July 2006), 16 Dec 2015 no. 1772 (in force 1 January 2016).

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (pollution act) § 31, § 32, § 33, § 49, § 52a and § 81, cf. delegation decision of 8 July 1983 no. 1245 and delegation decision of 11 June 1993 no. 785. Cf. EEA Agreement Annex XX No. 32fa (Directive 2012/19/EU).

### I. Preliminary provisions

0 Amended by regulation 2 May 2005 no. 406 as amended by regulation 27 June 2006 no. 754 (in force 1 July 2006).

#### Section 1-1. Scope

The provisions in this chapter regulate receipt, collection, recycling and other treatment of electrical and electronic waste (EE waste).

The provisions in this chapter do not include loose batteries, cf. waste regulations section 3-3 letter b.

The provisions in this chapter do not include EE waste in the form of encapsulated radioactive sources that are returned in accordance with regulation 16 December 2016 no. 1659 on radiation protection and the use of radiation (the radiation protection regulation) § 14 first paragraph.

The provisions in this chapter do not cover EE products that are fixed in; a. devices that are considered vehicles in accordance with the Road Traffic Act of 18 June 1965 no. 4, b. rolling stock that must be approved by the Ministry of Transport and Communications in accordance with the Act of 11 June 1993 no. 100 on the construction and operation of railways, including tramways, subways and suburban railway etc. § 5, or

c. devices that are considered small boats or leisure boats in accordance with the definition in the law of 26 June

1998 No. 47 on recreational and small boats § 1.

The provisions in this chapter do not cover EE products that are fixed in devices which can be registered in the following

- a. The aircraft register under Act 11 June 1993 no. 101 on aviation
- b. The ship register under Act 24 June 1994 no. 39 on maritime transport.
- c. Norwegian international ship register according to Act 12 June 1987 no. 48 on Norwegian international ship register.
- d. The Petroleum Register pursuant to Act 29 November 1996 No. 72 on petroleum activities.

The provisions in this chapter do not cover military equipment which it is necessary to exempt for reasons of national security and which is used exclusively for military purposes.

The provisions in this chapter do not cover EE products that weigh less than 1 gram, provided that it does not have a separate power source, does not contain hazardous substances and is to be permanently attached to another product that is not an EE product.

The provisions in this chapter do not cover equipment sent into space.

The provisions in this chapter do not cover medical equipment as defined in regulation 15 December 2005 no. 1690 on medical equipment, and which must be expected to be infected upon disposal.

The provisions in this chapter do not apply to Svalbard and Jan Mayen.

0 Amended by regulations 11 Oct 2005 no. 1197, 1 Nov 2010 no. 1394 (in force 1 Jan 2011), 16 Dec 2015 no. 1772 (in force 1 Jan 2016), 21 Dec 2016 No. 1889 (in force 1 Jan 2017).

## **Section 1-1a. Product groups for EE products and EE waste**

### *1. Heating and cooling equipment*

Heating and cooling equipment includes, for example, refrigerators, freezers, equipment for automation supply of cold products, air conditioners, dehumidifiers, heat pumps, water heaters, radiators containing oil, other heating and cooling equipment that uses fluids other than water for heat and cold exchange and other products and equipment of a similar nature and size.

### *2. Screens, monitors and equipment containing screens with a surface over 100 cm*

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Screens, monitors and equipment containing screens with a surface of more than 100 cm are considered, <sup>2</sup> for example, screens, television sets, electric and electronic photo frames, monitors, laptop computers, electric and electronic reading tablets and other products and equipment of a similar nature and size.

### *3. Light sources*

Light sources include, for example, incandescent lamps, compact fluorescent tubes (energy-saving bulbs), fluorescent tubes, high-pressure lamps, metal halide lamps, low-pressure discharge lamps, LEDs and other products and equipment of a similar nature and size.

### *4. Other large products where one of the outer dimensions is over 50 cm*

As other large products, for example, the following products are considered where one of the outer dimensions is over 50 cm: washing machines, tumble dryers, dishwashers, electric cooking appliances, electric stoves, light fixtures, audio and video equipment, music equipment, weaving and knitting machines, large computers and printers, copying equipment, electrical and electronic tools, toys, leisure and

sports equipment, vending machines, medical equipment, monitoring and control instruments, equipment for the production of electricity, devices for the automated delivery of products and money, solar panels, other household appliances, other IT and telecommunications equipment, other consumer products and other products and equipment of a similar nature. The product group does not include products and equipment covered by the other product groups. The product group is divided into the following subgroups: a. Large products excluding solar panels b. Solar panels.

#### *5. Other small products where the longest outer dimension is less than 50 cm*

As other small products, for example, the following products are considered where one of the outer dimensions are under 50 cm: light fittings, vacuum cleaners, carpet cleaners, sewing machines, microwave ovens, ventilation equipment, irons, toasters, clocks, shavers, scales, calculators, radios, video cameras, hi-fi equipment, musical instruments, audio and visual equipment, toys, leisure and sports equipment, smoke detectors, thermostats, electrical and electronic tools, medical equipment, monitoring and control instruments, equipment for the production of electricity, automatic dispensers, devices for automated delivery of products, products with built-in solar panels, other household appliances, other consumer products and other products and equipment of a similar nature.

The product group does not include products and equipment covered by the other product groups.

The product group is divided into the following subgroups: a. Ionic

smoke detectors b. other

small products.

#### *6. Smaller IT and telecommunications equipment where the longest outer dimension is less than 50 cm*

For example, the following products are considered to be minor IT and telecommunications equipment where a of the outer dimensions is less than 50 cm: mobile phones, GPSs, pocket calculators, routers, computers, printers, telephones and other products and equipment of a similar nature.

#### *7. Large industrial equipment*

Large industrial equipment includes, for example, large stationary industrial tools such as winches, large fixed installations such as lifts and escalators, industrial machines that are not roadworthy, transformers, large electric motors and other products and equipment of a similar nature and size. The product group does not include products and equipment covered by the other product groups.

#### *8. Large industrial cables*

For example, large insulated electrical conductors or large cables of a similar nature are considered large cables.

0 Added by regulations 16 Dec 2015 no. 1772 (in force 1 Jan 2016), amended by regulations 16 Dec 2015 no. 1773 (in effective 15 August 2018, cf. resolution 15 August 2018 no. 1240), 28 June 2021 no. 2311.

## **§ 1-2. Purpose**

The purpose of the provisions in this chapter is to prevent and reduce environmental and health problems caused by EE waste. This must be done through separate collection, sorting and treatment of materials and components that are hazardous waste, and a high degree of recycling of other parts of the waste. The provisions must ensure that such waste can be prepared for re-use and the material recovered, unless this is not justified based on a balance of environmental considerations, resource considerations and economic conditions. The provisions shall contribute to efficient use of resources and minimize waste quantities.

0 Amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## § 1-3. Definitions

In this chapter is meant: a. *EE*

*products*; products and components that depend on electrical current or electromagnetic fields for correct function, and equipment for the generation, transmission, distribution and measurement of such currents and such fields, including the parts necessary for cooling, heating, protection etc. of the electrical or electronic parts.

In case of doubt, the Norwegian Environment Agency decides which products are to be considered EE products

b. *EE waste*; EE products that have become waste, as defined in the Pollution Act § 27 c.

*household waste*; waste from private households, including larger items such as inventory and the like, cf. Pollution Act § 27 d.

*commercial waste*; waste from public and private enterprises and institutions, cf. the Pollution Act § 27 e. *EE*

*products for professional use*; EE products that are only suitable for use in for commercial purposes, in contrast to EE products used in private households. EE products that can be used both by private households and for commercial purposes, for example computers and mobile phones, are not EE products for professional use

f. *treatment*; activities carried out for recycling or final treatment of waste, including preparation for recycling or final treatment and storage pending recycling or final treatment

g. *recycling*; any measure where the main result is that waste is useful by replacing materials that would otherwise be used or that waste has been prepared for this purpose

h. *preparation for reuse*; recycling in the form of inspection, cleaning or repair, where products or components that have become waste are prepared so that they meet the conditions for the end of the waste phase in § 27 third paragraph of the Pollution Act and so that they can be reused for their original purpose without other pre-treatment

i. *material recycling*; any form of recycling where waste materials are used manufacture of substances or movable objects that are not waste. Material recycling includes biological treatment of organic waste. The use of waste for the production of energy or materials to be used as fuel or fillers is not considered material recycling

j. *final processing*; any form of waste treatment that is not recycling k. *dealer*; anyone

who commercially sells new or used EE products. This

also includes all sales of EE products via online shopping, mail order sales or the like directly to private households

l. *foreign dealer*; anyone who professionally sells EE products from abroad directly to private households in Norway via online shopping, mail order sales or the like with the *manufacturer*; anyone who commercially imports or in Norway produces EE products for the Norwegian market n. *foreign producer*; anyone who commercially

produces EE products in another EEA country or imports EE products to another EEA country, and who sells these EE products on the Norwegian market through a Norwegian producer cf. letter m or *representative*; anyone who has a written declaration to represent a foreigner

manufacturer as stated in letter n or a foreign dealer as stated in letter l, and who is established in Norway

p. *approved treatment facility*; facilities for the treatment of EE waste that are necessary permission according to § 29 of the Pollution Act, cf. § 11, § 11-6 and § 16-5 of these regulations, or equivalent permission from other countries' authorities

q. *treats*; any business that deals with the treatment of EE waste, including preparation for reuse, cf. letters f and h r.

*return company*; an enterprise that undertakes to fulfill obligations under these regulations for one or more producers, and that is registered and approved in accordance with § 1-13

pp. *collectively financed return company*; return company where one or more manufacturers finance

waste management in relation to its market share of EE products and amount of EE waste generated in the same year

t. *individually financed return company*; return company where one or more manufacturers finance waste management of their own products

u. *certificate*; document issued by a certification body that confirms that a return company meets the requirements given in these regulations, or pursuant to these regulations v. *certification body*; business that offers return company certification and that meets the criteria in Appendix 2, Part B of this chapter

w. *the Register of Producer Responsibility*; manufacturer register for all manufacturers of electrical and electronic products.

0 Amended by regulations 17 July 2006 no. 934, 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 16 Dec 2015 no 1772 (in force 1 Jan 2016), 20 March 2023 No. 377.

### **Section 1-3a. Prohibition on the collection of EE waste without an agreement with the reception**

No one must collect EE waste from a reception without a written agreement with the person responsible for the reception. This does not apply to actors who collect on behalf of approved return companies.

An agreement on collection can only be entered into with an actor with a permit under the Pollution Act or an actor who prepares for the reuse of EE waste. An operator engaged in preparation for re-use must be able to document that all waste remaining after preparation for re-use is taken to a legal waste facility or undergoes recycling, cf. Section 32 of the Pollution Act.

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Whoever collects EE waste must be able to document an agreement with the reception.

0 Added by regulation 20 March 2023 no. 377.

## **II. Duties for dealer**

0 Amended by regulation 2 May 2005 no. 406 as amended by regulation 27 June 2006 no. 754 (in force 1 July 2006).

### **§ 1-4. Obligation to accept EE waste**

The retailer must return EE waste that is household waste free of charge in the shop premises or at a similar place in the immediate vicinity of this. The retailer must also accept EE waste that is industrial waste free of charge when purchasing a corresponding amount of EE products.

The acceptance obligation is limited to similar products that the retailer sells or previously sold has traded, but is not limited to brand or make. By corresponding products is meant products that belong to the same product range and have the same function as those sold at the time of submission. The acceptance obligation applies regardless of sales volume or sales period, and for one year after the last corresponding EE product has been sold.

For retailers with a sales area of over 400 m<sup>2</sup> for EE products, the acceptance obligation also includes all types of small electronics where the longest outer dimension is less than 25 cm, regardless of whether the retailer sells or has previously sold these products.

Retailers can refuse to accept EE waste that is destroyed and thus can result in a health risk for personnel, such as broken light sources containing mercury.

When EE products are sold or delivered outside the shop directly to private households in Norway, including through online shopping, mail order sales or the like, the retailer must establish an efficient system for sending and receiving corresponding amounts of EE waste. Retailer must accept EE-

the waste free of charge, but can charge for costs directly associated with shipping larger units of EE waste. The price for shipment must not exceed the amount the retailer requires for shipping a corresponding quantity of EE products sold. Retailers must offer a free return service for every sale of small electronics outside the store premises.

0 Amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### **Section 1-4a. *Obligation when selling EE products to another EEA country***

Retailer who sells EE products from Norway to another EEA country via online shopping, mail order sales or similar, directly to private households and others, must appoint a representative in the relevant EEA country through a written declaration.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### **§ 1-5. *Duty to ensure sorting and proper storage of EE waste***

The dealer must ensure that EE waste that has been received is sorted from other waste and stored properly. The storage must not be unsightly or involve the risk of contamination or harm to people or animals. The possibility of preparation for reuse, material recycling and sorting of components in the EE waste shall not be reduced.

The storage must prevent illegal collection of EE waste, cf. § 1-3a. Among other things, this can happen by suitable indoor storage, outdoors by fencing and locking, or by guarding, including camera surveillance. The measures are adapted to the amount of waste delivered to the reception and other local conditions. Posters explaining that the waste cannot be removed without a written agreement with the dealer and that infringement can be punished, must be put up.

The retailer must ensure that EE waste is only collected by actors who collect on behalf of approved return companies or after a written agreement with the retailer, cf. § 1-3a. An agreement entered into with an actor engaged in preparation for reuse must contain, as a minimum, the organization number of the actor, and the agreement must be kept with the dealer as long as it is valid.

There must be an offer that EE waste that may contain personal information can be stored in a stationary locked container or in equivalent secure storage.

The requirements in this paragraph also apply when the dealer arranges for the collection of EE waste outside the shop premises.

0 Amended by regulations 16 Dec 2015 no. 1772 (in force 1 Jan 2016), 20 March 2023 no. 377.

### **§ 1-6. *Duty to inform***

The dealer must inform that EE waste must not be thrown away with other waste and that accepted free of charge. Information must be provided through notices in all shop premises, display and exhibition premises, at temporary outlets and in all sales and information material published in connection with the sales business, both in electronic and paper-based media. The text must be eye-catching, easy to read and stand out from other information.

When EE products are sold or delivered outside of retail premises in Norway, including in the case of online shopping, the retailer must inform about the possibility of a free return. The information must be eye-catching, easily readable, stand out from other information and appear clearly when purchasing.

0 Amended by [regulation 16 Dec 2015 no. 1772](#) (in force 1 Jan 2016).

### III. Duties for the municipality

0 Amended by [regulation 2 May 2005 no. 406](#) as amended by [regulation 27 June 2006 no. 754](#) (in force 1 July 2006).

#### § 1-7. *Obligation to accept EE waste*

The municipality must ensure that there is a sufficient offer for the reception of EE waste. The municipality must accept household waste free of charge. The municipality must also accept EE waste which is commercial waste, but can demand remuneration for reception and storage costs.

#### § 1-8. *Duty to ensure sorting and proper storage of EE waste*

The municipality must ensure that EE waste that has been received is sorted from other waste and stored properly. The storage must not be unsightly or involve the risk of contamination or harm to people or animals. The possibility of preparation for reuse, material recycling and sorting of components in the EE waste shall not be reduced.

The storage must prevent illegal collection of EE waste, cf. § 1-3a. Among other things, this can happen by suitable indoor storage, outdoors by fencing and locking, or by guarding, including camera surveillance. The measures are adapted to the amount of waste delivered to the reception and other local conditions. Posters explaining that the waste cannot be removed without a written agreement with the municipality and that infringement can be punished, must be put up.

The municipality must ensure that EE waste is only collected by actors who collect on behalf of approved return companies or after a written agreement with the municipality, cf. § 1-3a. An agreement entered into with an actor engaged in preparation for reuse must contain, as a minimum, the organization number of the actor, and the agreement must be kept with the municipality as long as it is valid.

At serviced receptions, there must be an offer that EE waste that may contain personal data can be stored in a stationary locked container or in equivalent secure storage.

The requirements in this section also apply when the municipality arranges for the collection of EE waste.

0 Amended by [regulations 16 Dec 2015 no. 1772](#) (in force 1 Jan 2016), [20 March 2023 no. 377](#).

#### § 1-9. *Duty to inform*

The municipality must inform households and businesses that EE waste must not be thrown together with other waste and that it accepts EE waste.

### IV. Duties for producer and representative

0 Amended by [regulations 2 May 2005 no. 406](#) as amended by [regulations 27 June 2006 no. 754](#) (in force 1 July 2006), [16 Dec 2015 No. 1772](#) (in force 1 Jan 2016).

### **§ 1-10. Requirement for membership in a return company**

The producers must finance the collection, sorting and treatment of EE waste through membership in a collective or individually financed return company that has been approved by the Norwegian Environment Agency, cf. § 1-13. Membership is considered that the manufacturer enters into an agreement for the purchase of services from an approved return company or that the manufacturer himself runs an approved return company. The membership must cover the EE products that the manufacturer imports or manufactures in Norway.

The obligation to be a member of an approved return company applies to manufacturers of both components and independent products that are EE products. If components are included in the production of new EE products, membership is only necessary for the new EE product.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### **§ 1-11. Requirements for a representative of a foreign manufacturer**

If a foreign producer has appointed a representative in Norway, the requirements in § 1-10 and § 2a-9 of the Product Regulations apply accordingly to the representative.

The representative must have a written declaration to represent the foreign manufacturer. The representative must also ensure that everyone who commercially imports the products into Norway is informed that it is the representative's responsibility to ensure that the duties according to this chapter, part IV, are complied with for the products in question. The representative must send a copy of the written declaration to his return company.

The representative must report to his return company which Norwegian producers the representative takes care of the duties of. The representative must also report which imported quantities and types of EE products this duty covers, broken down by each producer, for the last six months.

If the representative fulfills the requirements in the first, second and third subsections, everything becomes as in the case of acquisition imports the products into Norway exempted from its obligations under this chapter, part IV for these products.

0 Amended by regulations 17 July 2006 no. 934, 16 December 2015 no. 1772 (in force 1 January 2016), 20 March 2023 no. 377.

### **Section 1-11a. Requirements for a representative of a foreign dealer**

The obligations incumbent on a manufacturer according to § 1-10 and according to the product regulations § 2a-9 apply correspondingly for a representative of a foreign dealer.

The representative must have a written declaration to represent the retailer. The representative must send a copy of the written declaration to his return company. The representative must report to his return company the quantities and types of EE products that have been sold in Norway in the past six months and which are covered by the representative's obligations.

0 Added by regulation 16 December 2015 no. 1772 (in force 1 January 2016), amended by regulation 20 March 2023 no. 377.

### **Section 1-11b. Duty for manufacturers and representatives to report to the return company**

Manufacturers and representatives must report to the return company company number, contact information, brand name of the EE products, domestic production and make a declaration that the information is correct.

If producers or representatives become aware that information in the Producer responsibility register about import, export and production data for the last six months, contact information, company number or sales method is not correct, the producer or representative must submit documented correct data to the return company, which must report this further to the Register of Producer Responsibility according to Section 1-19.

0 Added by regulation 16 December 2015 no. 1772 (in force 1 January 2016), amended by regulation 20 March 2023 no. 377.

## **§ 1-12. Duty to inform**

The manufacturer must in all its sales and information material and otherwise, where appropriate, inform that EE waste should not be thrown away with other waste. It must be stated where the EE products in question should be delivered for disposal, that they are part of a return system for collection and treatment and that they are accepted free of charge.

0 Amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## **V. Obligations for the return company**

0 Amended by regulation 2 May 2005 no. 406 as amended by regulation 27 June 2006 no. 754 (in force 1 July 2006).

## **§ 1-13. Requirements for registration, certification and approval of return companies**

The return company must be registered as a separate entity in accordance with Act 3 June 1994 no. 15 on the Register of Entities.

The return company must be approved by the Norwegian Environment Agency.

In order to be approved, return companies must prove to the Norwegian Environment Agency that they will establish a return system that will be able to fulfill the requirements in this chapter with annexes. This must also be proven through certification by a certification body in accordance with Appendix 2.

The return company must cover all costs in connection with certification and periodic audits.

The Norwegian Environment Agency can withdraw a return company's approval if a return company has repeated or extensive breaches of requirements in this chapter with annexes. In the event of withdrawal of approval, the return company must treat already received EE waste in accordance with the requirements in this chapter.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## **Section 1-13a. Collectively financed return companies' duty to equal treatment**

The return company must ensure that all producers have access to become a member of the return company.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## **§ 1-14. Collectively financed return companies' obligation to pick up and receive**

## **EE waste**

Collectively funded return companies must: a. arrange

for free collection of EE waste from dealers and municipalities in areas where the members' EE products are or have previously been sold or delivered. The duty is limited to the collection of similar types of EE products that the return company's members put on the market, regardless of brand or make, b. to ensure that, to the extent necessary, contact municipalities and retailers in order to

organize pickup. If the retailer receives less than 1 m of EE waste per month, the return company can require retailers to transport smaller quantities of waste for delivery to a suitable place at a reasonable distance from the point where the waste was received,

c. ensure that EE waste is received free of charge from businesses that generate EE waste as part of their operations.

The obligation does not include receipt from return companies and businesses that collect or treat EE waste. The duty is limited to receiving similar types of EE products that the return company's members put on the market, regardless of brand or make. The reception points for this type of waste must collectively provide good geographical coverage in the area where the members' EE products are or have previously been sold or delivered,

d. fulfill the collection obligation in accordance with this chapter, see appendix 1. This requirement can be met by the return company buying collected EE waste from other return companies, e. ensuring that collected EE waste is treated properly in accordance with the obligations in section 1- 18.

When selling collected EE waste to another return company, the return company that buys the waste is only liable according to § 1-18 and § 1-19 if the waste is handed over to this return company for further processing, e.g. ensure that it has financial reserves at

all times for six months of operation, which ensures that

the company can fulfill the obligations in this chapter for its members during this period.

The requirement in the first paragraph letter a can be partially fulfilled by the return company entering into an agreement to coordinate the collection with other return companies within the framework provided by the Competition Act. Such cooperation can be entered into in those areas of the country where the collection would otherwise lead to inefficient use of society's resources, for example due to low population density and long transport routes to treatment facilities. An agreement on the coordination of collection must be open to all return companies and the return companies must use a neutral third party so that competitively sensitive information does not flow to other return companies. The Norwegian Environment Agency can order return companies to coordinate collection, if necessary to ensure continuous and nationwide collection.

The Norwegian Environment Agency can order a return company to collect EE waste from a specific dealer or municipality if:

a. EE waste has been left uncollected by the retailer or the municipality, b. there is reason to believe that the return company has not fulfilled its obligation in accordance with the first paragraph to collect its share of EE waste in the relevant geographical area in the previous reporting period and

c. it is necessary to ensure that EE waste is not left uncollected for an unreasonably long time.

0 Amended by regulations 17 July 2006 no. 934, 20 December 2007 no. 1668 (in force 1 January 2008), 16 December 2015 no. 1772 (in effect 1 January 2016).

### **Section 1-14a. Requirements for auditor approval and auditor control**

The return company must, by 15 February each year, have carried out auditor approval of the annual report on the total collected amounts of EE waste, and by 15 February every other year, have carried out an auditor's check of distribution keys and average weight that distributes collected amounts of EE waste into product groups with subgroups. The return company must use an approved auditor and ensure that the audits are carried out in accordance with the requirements in Appendix 3.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### **§ 1-15. Duty of individually financed return companies to ensure collection of EE waste**

Individually funded return companies are responsible for EE products as each of its members have produced in Norway or imported after the relevant producer became a member of the return company. The responsibility applies until these EE products become waste or they are exported, and regardless of whether the manufacturer is still a member of the return company.

The return company must establish and run collection arrangements that make it predominantly likely that the EE products for which the company is responsible will be returned to the return company upon disposal.

The individually financed return company cannot demand that dealers or municipalities sort out and/or hand over EE waste of a specific brand or make to the return company. Nor can the return company base the probability assessment according to the second paragraph on such sorting and/or handover.

0 Amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### **§ 1-16. Individually financed return companies' obligation to provide a financial guarantee**

Individually financed return companies must ensure that for each EE product that the members produce in Norway or import, a financial guarantee is provided that is sufficient so that the obligations under § 1-18 can be fulfilled at the time the EE product becomes waste. Material value cannot be included. The calculation of the necessary guarantee amount must be done for each member of the return company.

The guarantee must be approved by the Norwegian Environment Agency.

At the time an EE product is identified as waste, or when a previously calculated and specified lifetime has expired, a representative share of the guarantee amount must be released. When individually financed return companies get their financial guarantee repaid, the necessary amount must be used for purposes covered by § 1-18.

If the individually funded return company no longer exists at the time of repayment, the guarantee amount shall accrue to the approved collectively funded return company which at this time includes similar products. The amount is distributed according to the market share each of the collectively financed return companies represents.

0 Amended by regulations 20 Dec 2007 no. 1668 (in force 1 Jan 2008), 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### **Section 1-17. Individually financed return companies' obligation to participate in the financing of collective return companies**

Individually funded return companies must participate in the financing of collectively funded return companies to cover costs related to waste from EE products that have been produced in Norway or imported before each of the members joined the company, as well as costs for all EE waste that is not possible to link to an existing manufacturer.

The return company must calculate the collective obligation based on the assumed average lifetime for each of the relevant products.

### **§ 1-18. Duty to ensure proper collection, transport and treatment of EE waste**

- The return company must ensure:
- a. that EE waste is collected, transported and processed in line with current regulations and by actors who have the necessary permits, including that cross-border shipments of waste take place in line with Chapter 13 and Council Regulation (EC) No. 1013/2006, b. that collection and transport take place in such a way that the possibility of reuse, material recycling and sorting out components with hazardous substances in the EE waste is not reduced,
  - c. that EE waste is treated properly and in line with the requirements in § 1-22 first to sixth subsection. EE waste that may contain personal data must be handled so that this type of data cannot go astray, d. that EE waste is recycled, preferably by preparing it for reuse or material is recycled unless this is not justified based on a balance of environmental considerations, resource considerations and economic conditions. The requirements for recycling shares in section 1-18a must be met,
  - e. that handlers have sufficient competence to meet the requirements for treatment in this chapter, including on the content of hazardous substances and components in EE waste and where these are located,
  - f. that each treatment facility reports back to the return company that the EE waste has been treated as set out in this provision,
  - g. that export of EE waste that has ceased to be waste follows the rules on cross-border shipments of used EE products in § 1-24,
  - h. that a certification body confirms fulfillment of the requirements in Annex 2, Part C.

The requirements in this provision apply until the waste is finally recovered or treated and regardless of whether the treatment takes place in Norway or in another country.

Fulfillment of requirements in this provision must be documented. Documentation must be obtained from all practitioners.

0 Amended by regulations 16 Dec 2015 no. 1772 (in force 1 Jan 2016), 20 March 2023 no. 377.

### **Section 1-18a. Requirements for recycling shares**

Return companies must annually fulfill the following requirements for recycling shares for the individual product

groups: a. For EE waste in product groups 1 and 4, at least 85% of the collected amount of waste must be recycled, of which at least 80% of the waste must be prepared for reuse or material recovery. b.

For EE waste in product group 2, at least 80% of the collected amount of waste must be recycled, of which at least 70% of the waste must be prepared for reuse or material recovery. c. For EE waste in product groups 5 and 6, at least 75% of the collected amount of waste must be recycled, of which at least 55% of the waste must be prepared for reuse or material recovery. d. For EE waste in product group 3, at

least 80% of the collected amount of EE waste must be materially recycled.

Recycling shares must be calculated according to the requirements and methods specified in Appendix 4.

0 Added by regulations 16 Dec 2015 no. 1772 (in force 1 Jan 2016), amended by regulations 16 Dec 2015 no. 1773 (in effective 15 August 2018, cf. resolution 15 August 2018 no. 1240), 28 June 2021 no. 2311.

### **Section 1-18b. Waste accounting**

The return company must keep annual accounts of the amount of EE waste collected and processed.

The accounts must show:

- a. collected amount of EE waste divided by product groups with subgroups, and further divided by municipality. Within each municipality, the amount collected must be distributed between retailers, municipal reception and other collection points,
- b. treated amount of EE waste, including EE waste prepared for reuse, broken down by product groups with subgroups and further divided by treatment method and country, c. treated amount of EE waste divided by components, mixtures and materials and further divided by treatment method, treatment facility and country. The accounts must show which components, mixtures and materials have been removed in accordance with § 1-22, third paragraph, which components, mixtures and materials have been sorted for recycling and how other waste has been treated, d. recycling shares achieved, cf. § 1- 18 a.

Data base and other documents for the accounts must be documented. Documentation must be obtained from all handlers, from the first handler until the waste is finally recovered or disposed of. For first paragraph letter c, quantities entering and exiting all treatment facilities must be documented.

The collected and processed amount of EE waste and recycling shares must be calculated according to the requirements and methods specified in Appendix 4.

The accounts must be kept for 5 years.

0 Added by regulation 16 December 2015 no. 1772 (in force 1 January 2016), amended by regulation 14 April 2016 no. 409, 28 June 2021 No. 2311, 20 March 2023 No. 377.

### **Section 1-19. Duty to report**

The return company must immediately report to the Producer Responsibility register cf. § 1-25 about which producers and representatives sign in or out by providing contact information and company number, as well as which EE products, broken down into the product groups with sub-groups, the entry or exit includes.

The return company must report electronically to the Producer Responsibility register every six months, by 15 February and 15 August. The report must include: a. total amount of EE waste that has been collected in the last six months, divided by collection county, municipality and product groups with subgroups. For each municipality, the amount of EE waste collected from retailers, municipal reception and other collection points must be stated. The report must also state how much of the EE waste is household waste and how much is commercial waste. The Norwegian Environment Agency can order the return company to report the collected amount of selected types of EE waste,

- b. the members' total import, export and domestic production of EE products in the last six months, divided into product groups with subgroups. In the case of exports, distribution by recipient country must be stated. Brand names reported from the manufacturer must be stated, c. the members' corrected import, export and production data for the last six months and documentation of this, cf. § 1-11b,
- d. overview of representatives of foreign dealers who are members of the return company.

Quantities and types of EE products that have been sold in Norway in the last six months must be stated, e. an overview of representatives of foreign manufacturers who are members of the return company.

It must be stated which Norwegian producers the representative is responsible for and the amount and type of EE products that have been imported in the last six months, distributed among the Norwegian producers, and which are covered by the representative's obligations.

The return company must review and ensure the quality of all information from the manufacturer and representative before it is reported to the Producer Responsibility register. The return company must confirm that a written statement from the representatives has been received.

Return companies must annually, by 15 February, report the following electronically to the Producer Responsibility register:

- a. total amount of treated EE waste and amounts sent on for various types of treatment last year, broken down by treatment method and product groups with subgroups. The report must include an overview of which processing facilities have been used, which quantities, components and materials have been processed at each facility and in which countries the processing has taken place,
- b. amount of EE waste that has been prepared for re-use, divided into product groups with subgroups.

Return companies must annually report the following to the Norwegian Environment Agency by 15 February: total amount of EE waste collected for the previous year and an auditor's statement about this in accordance with § 1-14a .

Return companies must report to the Norwegian Environment Agency by 15 February every other year the results from the auditor's check of allocation keys and average weight that distributes collected quantities of EE waste to product groups with subgroups, cf. § 1-14a.

If the return company has entered into an agreement with another return company to coordinate the collection of EE waste in order to fulfill the requirement in section 1-14 first paragraph letter a, the return company must report to the Norwegian Environment Agency by 15 February each year how the coordination takes place, including which areas of the country and which product groups and sub-groups the collaboration covers.

0 Amended by regulations 17 July 2006 no. 934, 16 December 2015 no. 1772 (in force 1 January 2016), 28 June 2021 no. 2311, 20 March 2023 No. 377.

## § 1-20. *Duty to inform*

- The return company must inform households and businesses that a. EE waste must not be thrown away with other waste, and is marked with its own symbol, cf. product regulations § 2a-9. It must be stated what the symbol means, where the relevant EE products are to be delivered when they become waste and that they are accepted free of charge,
- b. EE waste is part of a return system for reuse, recycling and proper handling of hazardous substances,
  - c. EE waste containing hazardous substances can be harmful to health and the environment.

The return company must carry out regular nationwide information campaigns or others similar measures. The return companies can cooperate on fulfilling this requirement.

0 Amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## Section 1-21. *Obligation to cover costs for operating the Producer Responsibility register*

The return company must cover costs related to the operation of the Producer Responsibility register cf. § 1-25, with a share corresponding to the members' share of the total supply of goods for all EE products. Supply of goods is calculated on the basis of import and export data from the Norwegian Customs and Excise Directorate as well as data from the return company on the manufacturers' domestic production. Individually financed return companies must also cover the Register of Producer Responsibility's administrative costs associated with a financial guarantee according to § 1-16.

The Norwegian Environment Agency determines the amount of the fee for each return company, and can make further provisions on the payment. The return company must pay the fee to the Norwegian Environment Agency according to the invoice. Amounts paid in must go in their entirety to cover the register of Producer Responsibility costs.

0 Amended by regulations 17 July 2006 no. 934, 20 December 2007 no. 1668 (in force 1 January 2008), 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 December 2013 no. 1757 (in force 1 Jan 2014), 16 Dec 2015 No. 1772 (in force 1 Jan 2016), 20 March 2023 No. 377.

## WE. Duties for practitioners

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### Section 1-22. *Duty to proper treatment etc.*

EE waste must be treated properly and using the best available techniques. EE waste must be stored and processed in places with a tight cover, the necessary facilities for collecting and cleaning storm water, and the necessary roof or other climate protection. EE waste must be registered in and out of the treatment facility with weight measured in kilograms.

The EE waste must be recovered, preferably by preparing it for re-use or material recovery, unless this is not justified based on a balance of environmental considerations, resource considerations and economic conditions.

When treating EE waste, except for preparation for reuse, all liquids must be removed as a first step in the treatment process.

When treating EE waste, except for preparation for re-use, the following materials, mixtures and components are removed manually as a first step in the treatment process, unless at least as good environmentally sound treatment can be documented by a mechanical, chemical or metallurgical process:

a. Capacitors or other components containing PCB or PCT. b. Mercury-containing components, such as switches and light sources for background lighting. c. Batteries. d. Toner cartridges and toners. e.

Asbestos and components containing asbestos. f. Gas discharge lamps other than those mentioned under point b). Mercury must be removed from the gas discharge lamps.

g. Components in EE waste containing refractory ceramic fibres. h. Components in EE waste that contain radioactive sources, such as smoke detectors. i. Beryllium. j. Circuit board. k. Plastics with

brominated

flame retardants. l. Picture tube/cathode ray

tube. The fluorescent coating must be removed. m. Chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HKCFCs) or hydrofluorocarbons (HFCs),

and other gases that deplete the ozone layer or have a global warming potential (GWP) of over 15. The gases must be extracted and treated properly and in line with the product regulations, chapter 6 regulation of ozone-depleting substances and chapter 6a regulation of fluorine-containing substances.

n. LCD screens larger than 100 cm. All LCD<sup>2</sup> screens that are backlit with

fluorescent/gas discharge lamps.  
o. External electrical cables. p.

Condensers with a height over 25 mm, diameter over 25 mm or equivalent volume, and which contain environmentally harmful substances.

Processors must assess whether EE waste may contain other materials, mixtures and components that are hazardous waste than those listed in the fourth paragraph. EE waste, including materials, mixtures and components of EE waste, which are hazardous waste or radioactive waste, must be removed from the EE waste and handled in accordance with Chapter 11 and Chapter 16 of these regulations.

Materials, components and mixtures that are removed in accordance with the third, fourth and fifth paragraphs, must be included in an identifiable material flow or in an identifiable part of a material flow. A material, mixture or component is identifiable if it can be monitored to show environmentally sound treatment.

Personnel who treat EE waste must have sufficient competence to fulfill the requirements for treatment in this chapter, including the content of hazardous substances and components in EE waste and where these are located.

Processors who export EE waste must ensure that the treatment requirements in this section is fulfilled by processing outside Norway, and that this can be documented.

Processors who have a permit under the Pollution Act, and who are the first to process EE waste as described in the third and fourth paragraphs or who export EE waste, must obtain recycling shares in § 1-18a for the EE waste they are the first recipient of.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## **Section 1-23. Duty to keep accounts and report to**

Processors who have a permit under the Pollution Act, and who are the first to process EE waste as described in § 1-22 third to fifth paragraphs or who export EE waste, must keep annual accounts. The accounts must include own treatment and treatment at other facilities until the EE waste is finally recovered or finally treated.

The accounts must show: a.

received weight amount of EE waste divided into product groups with sub-groups. Date must appear.

b. treated amount of EE waste, including EE waste prepared for reuse, broken down by product groups with subgroups and further divided by treatment method and country, c. treated amount of EE waste divided by components, mixtures and materials and further divided by treatment method, treatment facility and country. The accounts must show which components, mixtures and materials have been removed in accordance with § 1-22 third to fifth paragraphs, which components, mixtures and materials have been sorted for recycling and how other waste has been treated, d. recycling shares achieved, cf. § 1-18a.

Data base and other documents for the accounts must be documented. Documentation must be obtained from all processors downstream, until the waste is finally recovered or treated. For first paragraph letter c, quantities entering and exiting treatment facilities downstream must be able to be documented.

Received and processed amount of EE waste and recycling shares must be calculated according to the requirements and methods specified in Appendix 4.

The accounts must be kept for 5 years.

Processors, as described in the first paragraph, must report annually. The reporting must include own treatment and treatment at other facilities until the EE waste is finally recovered or treated. Reporting shall not include imported EE waste. The report must contain:

- a. total amount of EE waste received, divided into product groups with subgroups. EE waste that has been received for a return company and received EE waste that is not associated with one of the return companies must be entered.
- b. total amount of treated EE waste and amounts sent on for different types of treatment, broken down by treatment method and product groups with subgroups. It must be reported in which countries the processing took place.

0 Added by regulation 16 December 2015 no. 1772 (in force 1 January 2016), amended by regulation 28 June 2021 no. 2311.

## VII. Obligations for cross-border shipments of used EE products

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### Section 1-24. Requirements for testing, documentation and protection against damage

In the case of cross-border shipments, in and out of Norway, of used EE products, each individual product must be tested before the shipment is carried out. The test must include a function test and an assessment of dangerous substances in the products, cf. the product regulations and the REACH regulations. Which function test is to be carried out depends on the EE product's original purpose, and must at least include testing of key functions.

During testing, the following must be documented for each individual product, and collected in a protocol: a. type of EE product, and which product group the EE product belongs to, b. identification number or serial number, if available, c. year of manufacture of the EE product, if this exists, d. name and address of the company that has carried out testing of the EE product. If the business is Norwegian, the organization number must be stated,

e. result of testing, including the date of this and f. which tests have been carried out on the EE product.

The following documentation must accompany the shipment: a. copy of the invoice and contract for the sale or other disposal of the EE products. It shall state that the EE products are suitable for direct reuse, without any form of processing or repair beforehand, and that the product is in fully functional condition. b. documentation on testing specified in the second paragraph letter a to f. The documentation must be affixed to each EE product. If the product is packaged, documentation must be affixed to the packaging, c. protocol of testing, cf. second paragraph, d. declaration that the contents of the consignment are not waste, as this term is defined in Section 27 of the Pollution Act, e. transport document, for example a consignment note or a CMR consignment note, f. declaration of responsibility from the person responsible for the consignment.

The requirements in the first and second paragraphs for testing, and third paragraph letter a, b and c for documentation etc. does not apply if it can be documented that the consignment goes between two businesses in accordance with an agreement, and they

- a. defective EE products are sent for repair under a warranty to the manufacturer or a third parties acting on behalf of the manufacturer, with a view to re-use,
- b. used EE products for professional use, cf. § 1-3 letter e, are sent to the manufacturer, a third party acting on behalf of the manufacturer or a repair facility for renovation or repair under a valid agreement, with a view to re-use. This exception only applies

if the actor in question is located in a country that is associated with the OECD's decision on cross-border transport of waste for recycling in accordance with the waste regulations chapter 13 cf. regulation (EC) no. 1013/2006,

c. used, defective EE products for professional use, cf. § 1-3 letter e, such as medical equipment or parts of such equipment, are sent to the manufacturer or a third party acting on the manufacturer's behalf for root cause analysis under a valid agreement. This exception only applies if only the manufacturer or the third party can perform the root cause analysis.

Suitable protection of the product against damage during transport, unloading and loading must be used, including adequate packaging and appropriate stacking of the EE products in the shipment.

If the requirements in this provision are not met, and there is a suspicion of an illegal shipment of waste, the shipment shall be considered a shipment of waste, and the rules in Chapter 13, including Regulation (EC) No. 1013/2006, will apply. The same applies if there is disagreement between the countries concerned about the classification of the contents of the shipment as waste or product, cf. Article 28 of Regulation (EC) No. 1013/2006.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## VIII. Producer register

0 Amended by regulations 2 May 2005 no. 406 as amended by regulations 27 June 2006 no. 754 (in force 1 July 2006), 16 Dec 2015 No. 1772 (in force 1 Jan 2016, former part VI).

### Section 1-25. *The Register of Producer Responsibility*

The Norwegian Environment Agency owns a register that will include all producers of EE products.

The Register of Producer Responsibility shall;

- a. receive and compile data from:
  1. The Directorate of Customs and Excise on manufacturers' imports and exports and private households' direct imports of EE products from other countries,
  2. the return companies on which manufacturers and representatives are members of the return companies,
  3. producers about their import, export and domestic production of EE products divided into product groups with subgroups,
- b. receive updated data from the return companies about their members' contact information, company number and sales method, as well as corrected data and documentation about changed import, export and production data,
- c. receive and compile data from return companies about representatives of foreign dealers and foreign manufacturers. This shall include quantities and types of EE products that are covered by their obligations under this chapter. The Register of Producer Responsibility must receive and compile information on which Norwegian producers the foreign producers fulfill their obligations to. The Register of Producer Responsibility must also receive confirmation that the return company has received a written statement from the representatives,
- d. receive and collate data from the return companies on EE waste that has been collected, processed and sent for various types of treatment, divided into product groups with subgroups and divided into components and materials. The Register of Producer Responsibility must distribute collected quantities of EE waste by region and municipality. Per municipality, EE waste must be distributed to municipal reception, retailers and other collection points. Reported EE waste must also be distributed according to which treatment facilities have been used, which quantities and types of EE waste have been treated and in which country the treatment has taken place,
- e. on request, provide the authorities of other EEA countries with data on the export of EE products and EE waste from Norway,
- f. have links available on their website to other EEA countries' websites to national producer registers for EE products,

- g. calculate the total supply of goods in Norway, in line with Appendix 1, divided into product groups with subgroups,
- h. guidance on the individual producer and representative's obligations that must be met through membership of a return company, including information on which return companies are approved to cover relevant EE products, i. inform the manufacturer or representative if the approval of a return company of which the manufacturer is a member is withdrawn,
- j. obtain data on the manufacturer's company number, address and imports and domestically production of EE products from the Norwegian Customs and Excise Directorate and the Brønnøysund registers to identify producers who do not fulfill their obligations under § 1-10 and § 1-11b, and inform these producers of their obligations,
- k. identify representatives who do not fulfill their obligations under § 1-11a and foreign dealers who sell to private Norwegian households without having appointed a representative.  
The Register of Producer Responsibility must inform representatives, and if necessary, foreign dealers, about the representatives' obligations in Norway,
- l. receive information from the return company about which brand names the products manufacturers and representatives selling on the Norwegian market have,
- m. only provide information in accordance with the rules on confidentiality in the Administration Act, n. act neutrally in the relationship between competing return companies.

The Norwegian Environment Agency can determine further requirements for fulfilling the provision in letters a) to n).

0 Amended by regulations 17 July 2006 no. 934, 20 December 2007 no. 1668 (in force 1 January 2008), 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 December 2013 no. 1757 (in force 1 January 2014), 16 December 2015 no. 1772 (in force 1 January 2016, former § 1-22), 28 June 2021 no. 2311, 20 March 2023 no. 377.

## IX. Other provisions

0 Amended by regulations 2 May 2005 no. 406 (in force 1 July 2006), 16 Dec 2015 no. 1772 (in force 1 Jan 2016, formerly Part VII).

### **Section 1-26. *The relationship with chapter 11 on hazardous waste and chapter 16 on radioactive waste waste***

Dealers and municipalities that receive or pick up EE waste in accordance with their obligations under this regulation does not require permission according to § 11-6 or § 16-5.

0 Amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016, former section 1-23).

### **Section 1-27. *Supervision***

The state administrator supervises that the duties under this chapter for dealers, municipalities and handlers who do not have permission from the Norwegian Environment Agency are observed. The Norwegian Environment Agency also supervises that the provisions in this chapter and decisions made pursuant to the provisions in this chapter are complied with.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 16 December 2015 no. 1772 (in force 1 Jan 2016, former § 1-25), 14 Dec 2020 no. 3341 (in force 1 June 2021).

### **Section 1-28. *Violation fee***

From 1 January 2025, the State Administrator may, in the event of a breach of § 1-5 and § 1-6, impose an infringement fee on the person responsible for the breach. Until 1 January 2025, the Norwegian Environment Agency can impose infringement fees according to this provision. The provisions in Chapter 18B apply to the imposition of an infringement fee.

0 Added by regulation 29 Sep 2023 no. 1587.

## Appendix 1. The return company's collection obligation

The return company must ensure that it collects and receives a share of the total amount of EE waste that corresponds to the members' share of the total supply of goods in the same geographical area, adjusted for post-regulation at national level.

The collection obligation is calculated for each product group or subgroup where this exists, cf. § 1-1a, so that:

$$H_n = \frac{A_n \cdot M_n}{\sum_{n=1}^n M_n} \cdot \text{reg}_n$$

the period in which the collection of EE waste takes place, one

year  $H_n$  = the collection obligation of the individual return company for each product group/subgroup for period  $n$ .  $H_n$  is the amount of EE waste to be collected and received by the return company in the geographical area in which members have placed EE products on the market (in tonnes).  $H_n$  is only known when the period  $n$  is over.

$A_n$  = number of tonnes of EE waste collected by all return companies in period  $n$  (quantities are given by the Producer Responsibility register).

$M_n$  = share of total supply of goods that the return company's members have in period  $n$ .  $M_n$  is calculated on the basis of import and export figures from the Norwegian Customs and Excise Directorate and production figures from the return companies. The total supply of goods is stated by the Producer Responsibility register.  $\text{reg}_n$  = post-regulation term for period  $n$ , calculated on the basis of collected quantities from period  $n-1$ , so that:

$$\text{reg}_n = \frac{H_{n-1} - A_{n-1}}{M_{n-1}}$$

$A_{n-1}$  = number of tonnes of EE waste collected by the individual return company in the period  $n-1$

The post-regulation link is calculated for each product group or subgroup where this exists.

Post-regulation is adopted by the Norwegian Environment Agency.

The Norwegian Environment Agency can decide that post-regulation clauses shall not be adopted for a product group or sub-group for a period if the Norwegian Environment Agency finds that post-regulation is nevertheless not appropriate within a group.

0 Amended by regulations 2 May 2005 no. 406 as amended by regulations 27 June 2006 no. 754 (in force 1 July 2006), 20 Dec 2007 no. 1668 (in force 1 Jan 2008), 16 Dec 2015 no. 1772 (in effective 1 January 2016), 20 March 2023 No. 377.

## Appendix 2. Certification of return company

### Part A: Definitions

#### 1. Definitions

In this appendix is meant a.

*Deviation*; lack of fulfillment of requirements in this appendix, part C: Failure to fulfill requirements/ authority requirements that are not covered by part C is not considered a deviation here.

b. *Certification audit*; systematic and independent investigation to determine whether the return company has implemented effective systematic measures to ensure and document that the criteria in part C of this appendix are met.

c. *Accreditation*; official recognition of an organisation's competence and ability to perform specified tasks in accordance with specified requirements.

d. *Certification*; awarding and maintaining a certificate that ensures and documents fulfillment of the criteria in part C of this appendix.

0 Added by regulation 2 May 2005 no. 406 as amended by regulation 27 June 2006 no. 754 (in force 1 July 2006), amended by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## Part B: Rules for certification of return companies

### 1. Requirements for establishing a management system and certification

In order to achieve certification, the return company must implement and maintain an effective management system to ensure and document that the requirements in part C of this appendix are met.

The return company must enter into a written agreement on certification with a certification body that meets the requirements in point 5. The certification body can, in connection with the certification process, associate other external expertise.

### 2. Certification

The certification bodies must carry out the certification audits at the return company to verify compliance with the requirements in part C of this appendix.

The certification bodies must carry out the investigations necessary to assess this there is a breach of the requirements in part C of this appendix. The certification shall include visits to the return company and to subcontractors where this is necessary to confirm compliance with the requirements in part C of this appendix. The return company shall grant access to carry out the investigations that the certification body deems necessary, and access to the information the certification body requires.

The return company is certified for three years at a time. After initial certification, periodic audits must be carried out. The first periodic audit must be carried out 6 months after certification, then at 12-month intervals.

Renewal of a certificate after three years must be carried out by means of a recertification audit before the certificate's expiry date. The recertification audit must be carried out so that the return company has time to deal with deviations in accordance with the deadlines given under point 3. Periodic audits after recertification must be carried out at 12-month intervals.

The certificate expires automatically if the return company does not renew the certificate within three years or it has been more than 15 months since the last certification audit (re-certification audit or periodic audit).

During the audits, deviations must be registered, which the certification body summarizes in an audit report no later than one week after the audit has been carried out.

The return company must send notification of initial certification, renewal and periodic certification audits of certificates with a copy of the audit report to the Norwegian Environment Agency.

### 3. Classification of deviations from certification audit

The return company must correct and document the follow-up of all deviations.

The requirements in part C are divided into three classes, with the following requirements for follow-up:

- |          |   |
|----------|---|
| Class 1: | Deviations are corrected within 60 days after the audit report is received. |
| Class 2: | Deviations are corrected within 90 days after the audit report is received. |
| Class 3: | Deviations are corrected by the end of the current collection period.       |

The collection period is from 1 January to 31 December. If deviations are given after 1 October, a deadline is given for the following collection period.

If deviation 2 is not rectified within the deadline of 90 days, the deviation must be followed up as for deviations in class 1.

Deviations are considered corrected when the certification body confirms this in writing.

#### 4. *Withdrawal of certificate*

The certification body must immediately withdraw the return company's certificate if a. the final deadline for correcting deviations in point 3 is missed by 15 days.

- If at the end of the deadline there are still only two or fewer deviations in class 1 that have not been corrected, the certificate must only be withdrawn when the deadline cf. point 3 has been exceeded by 60 days, or - If at the end of the

deadline there are still only five or fewer deviations in class 2 that have not been corrected, the certificate must only be withdrawn when the deadline cf. point 3 has been exceeded by 90 days.

Notice of withdrawal of a certificate is sent before the expiry of the deadlines in point 3.

b. The Environment Agency has notified that one or more of the following payments are missing or insufficient four months after the first payment deadline has been missed, with reference to the criteria in part C of these regulations: - funds to cover the Producer Responsibility register costs cf. criterion

8.02 and 8.03 - collective obligation according to criteria 5.01 and 5.02 c. return company closes down its operations.

The certification body must send a notice of withdrawal of a certificate to the Norwegian Environment Agency.

#### 5. *Requirements for the certification body used by the return company*

The certification body must: - be

accredited in accordance with regulations on the limitation of pollution chapter 38 to carry out checks in accordance with the Pollution Act § 52c (EMAS scheme). The accreditation must at least include the following classification of economic activity (NACE codes) determined by Regulation (EEC) No. 3037/90: - DN37 – Recycling - O90 – Sewage and waste disposal activities, and - carry out the

certification of return

companies in line with the rules in this the annex, and - be

independent, impartial and objective in the performance of their duties, and - ensure that the organization and its staff are not exposed to any commercial, financial or other pressure that could conceivably influence their assessment or weaken confidence in their independent assessment and their integrity in connection with the business they carry out, and - have at their disposal documented methods and procedures for control, including mechanisms for quality control and provisions on confidentiality, and - command the Norwegian language in writing and orally, and have sufficient knowledge of relevant Norwegian regulations.

0 Amended by regulations 20 Dec 2007 no. 1668 (in force 1 Jan 2008), 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 16 Dec 2015 no. 1772 (in force 1 Jan 2016), 20 March 2023 no. 377.

## Part C: Requirements for certification of return companies

No. Requirements that the return company must systematically ensure and document fulfillment of	Authority Deviation clause ass
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	<i>1. Requirements for organizing a return company.</i>		
1.01	Be registered as a separate entity in the Entity Register in accordance with Act 3 June 1994 no. 15 on the Entity Register, separate from other activities.	§ 1-13	2
1.02	Keep a list of the manufacturers and representatives who are members of the return company. The list must also show which product groups, cf. § 1-1a, the membership applies to.	§ 1-19 cf. § 1-25	1
1.03	Collectively financed return companies must have available financial reserves equivalent to six months of operation.	§ 1-14	2
1.04	Have a management system that ensures that all requirements in this appendix are met by the return company and its contractors and subcontractors. Fulfillment of the requirements must be documented, and documentation must be obtained from all internal control contractors and subcontractors. regulation § For initial certification, the return company must document 4 and § 5 that they will have routines and systems that ensure that the collection and proper treatment of EE waste will take place in line with the requirements for certification.	Appendix 2 part B no. 1	1
	<i>2. Collectively financed return companies' obligation to collect and receive EE waste.</i>		
2.01	Ensure free collection of EE waste from dealers and municipalities. If the dealer receives less than 1 m of EE waste per month, the return company can demand that the dealer transports the waste for handover to a suitable place at a reasonable distance from the point where the waste was received.	§ 1-14	1
2.02	Contact municipalities and retailers to organize collection of EE waste. Contact must be made with a sufficient number of dealers and municipalities so that the obligations in requirement 2.04 can be fulfilled.	§ 1-14	1
2.03	The return company must ensure that EE waste is received free of charge from businesses that generate EE waste as part of their operations. The obligation does not include receipt from return companies and businesses that collect or treat EE waste. The duty is limited to receiving similar types of EE products that the return company's members put on the market, regardless of brand or make. The reception point must have good geographical coverage.	§ 1-14	2
2.04	For each group of regions, the return company must collect a percentage of the sum of the national collection obligation, cf. Hn in appendix 1 to this chapter, for all product groups, cf. § 1-1a, except 7 and 8, multiplied by the region's share of the population.  The country is divided into these groups of regions: 1. Troms and Finnmark, Nordland, 2. Trøndelag, 3. Innlandet, 4. Møre and Romsdal, Vestland, 5. Rogaland, Agder, 6. Vestfold and Telemark, Viken, Oslo.  For the last calendar year, this percentage must be a minimum of 75%. For the last three calendar years shall	§ 1-14	3

	<p>the percentage must be at least 90%.</p> <p>In the first 12 months that a return company is in operation, the requirement is reduced by 15 percentage points.</p> <p>If the return company coordinates the collection with other return companies, the overall obligation of the coordinating return companies must be met. The Norwegian Environment Agency can exempt return companies that participate in a coordinated collaboration with other return companies from this requirement.</p>		
	<i>3. Duty of individually financed return companies to ensure collection of EE waste.</i>		
3.01	Establish and run collection arrangements that ensure that at least 90% for the last six months of the EE products the company is responsible for are returned to this return company when discarded. For first-time certification, the percentage rate is reduced by 20 percentage points for the first six months.	<u>§ 1-15</u>	2
3.02	Establish and operate collection arrangements that ensure that at least 95% for the last three years of the EE products for which the company is responsible are returned to this return company upon disposal.	<u>§ 1-15</u>	2
3.03	Do not demand that dealers or municipalities free of charge sort out and/or hand over discarded EE products of a particular brand or make to the return company. Nor can the return company base the probability assessment according to requirements 3.01 and 3.02 on such sorting and/or handover.	<u>§ 1-15</u>	1
	<i>4. Individually financed return companies' obligation to set aside a financial guarantee.</i>		
4.01	Established a satisfactory financial guarantee in line with <u>§ 1-16</u> .	<u>§ 1-16</u>	1
4.02	Allocate the necessary part of the guarantee amount paid for purposes covered by <u>§ 1-18</u> , so that the requirements in clauses 3.01 and 3.02 for collection rate and requirements <u>§ 1-18</u> for treatment are fulfilled. If the guarantee amount paid is not sufficient, the return company must cover the costs in another way.	<u>§ 1-16</u>	2
	<i>5. Individually financed return companies' obligation to participate in the financing of collectively financed return companies.</i>		
5.01	<p>Calculate the collective obligation, K (in kroner), for each individual product the return company's members produce in Norway or import according to the following formula</p> $K = g \left( 1 - \frac{n}{2l} \right)$ <p>where g = required guarantee amount in kroner, cf. requirement 4.04. n = number of full years the manufacturer has been a member of this return company. During this period, the membership must have covered all imports and domestic production of corresponding EE products. l = the calculated most probable lifetime in a full year for the product (cf. requirement 4.03).</p>	<u>Section 1-17</u>	1

	<p>If <math>K &lt; 0.1g</math>, <math>K</math> is set equal to <math>0.1g</math>.</p> <p>The calculated collective obligation applies for one year at a time, running from the date imported products are declared to customs, or the date the EE product has left the place of production in Norway.</p>		
	<i>6. Responsible collection, transport and treatment of EE waste.</i>		
6.01	The return company must ensure that EE waste is collected, transported, and processed properly in line with current regulations, and by actors who have the necessary permits.	<u>§ 1-18</u>	1
6.02	The return company must ensure that collection and transport takes place in such a way that the possibility of re-use, material recycling and sorting out components containing hazardous substances in the EE waste is not reduced.	<u>§ 1-18</u>	2
6.03	EE waste must be prepared for reuse and materials recycled where this is justified after a balance of environmental considerations, resource considerations and financial conditions, where preparation for reuse takes priority over material recycling.	<u>§ 1-18</u>	2
6.04	The return company must ensure that the export of EE waste that has ceased to be waste follows the rules on cross-border shipments of used EE products in § 1-24.	<u>§ 1-18 and § 1-24</u>	1
6.05	EE waste that may contain personal data must be handled so that this type of data cannot go astray.	<u>§ 1-18</u>	2
6.06	The return company must ensure that border crossers shipments of waste take place in line with chapter 13 and council regulation 1013/2006. The return company must ensure that there is consent and a transport document or, where applicable, an accompanying form for green-listed waste.	<u>§ 1-18</u>	1
6.07	The return company must ensure that their contractors and subcontractors meet the requirements in 6.01 to 6.15. This applies until the waste is finally recovered or treated and regardless of whether the treatment takes place in Norway or in another country.	<u>§ 1-18</u>	1
6.08	The return company must ensure that handlers have sufficient competence to meet the requirements for treatment in this chapter, including the content of hazardous substances and components in EE waste and where these are placed.	<u>§ 1-18</u>	2
6.09	The return company must ensure that each treatment facility reports back to the return company that the EE waste has been treated as stated in requirements 6.01 to 6.03, 6.05, 6.07, 6.13 to 6.15 and 7.01 to 7.04.	<u>§ 1-18</u>	1
6.10	Treatment must be carried out using the best available techniques.	<u>Section 1-22</u>	2
6.11	EE waste must be stored and processed in places with a tight cover, the necessary facilities for collecting and cleaning storm water, and the necessary roof or other climate protection. This applies regardless of other requirements in the treatment facility's possible permit from national authorities.	<u>Section 1-22</u>	2
6.12	EE waste must be registered in and out of the treatment facility with weight measured in kilograms.	<u>Section 1-22</u>	2
6.13	When treating EE waste, except for preparation for reuse, all liquids must be removed as a first step in	<u>Section 1-22</u>	2

	the processing process and form part of an identifiable material flow, or in an identifiable part of a material flow.		
6.14	When treating EE waste, except when preparing for re-use, the following materials, mixtures and components must be removed manually as a first step in the treatment process, unless it can be documented that at least as good environmentally sound treatment by a mechanical, chemical or metallurgical process, and form part of an identifiable material flow, or in an identifiable part of a material flow:	Section 1-22	
	a. Capacitors or other components containing PCB or PCT		1
	b. Mercury-containing components, such as switches and light sources for background lighting.		1
	c. Batteries.		2
	d. Toner cartridges and toners. e.		2
	Asbestos and components containing asbestos. f. Gas		1
	discharge lamps other than those mentioned under point b). Mercury must be removed from the gas discharge lamps. g.		2
	Components in EE waste containing refractory ceramic fibres.		2
	h. Components in EE waste that contain radioactive sources, such as smoke detectors. i. Beryllium. j.		1
	Circuit board.		1
			1
	k. Plastics with brominated flame retardants.		1
	l. Picture tube/cathode ray tube. The fluorescent coating must be removed.		1
	m. Chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HKFCs) or hydrofluorocarbons (HFCs), and other gases that deplete the ozone layer or have a global warming potential (GWP) of more than 15. The gases must be removed and treated properly and in line with the product regulations chapter 6 regulation of ozone-reducing substances and chapter 6a regulation of fluorine-containing substances.		1
	n. LCD screens larger than 100 cm. All LCD screens that are backlit with fluorescent tubes/gas discharge lamps.		1
	o. External electrical cables.		1
	p. Condensers with a height over 25 mm, diameter over 25 mm or equivalent volume, and which contain environmentally harmful substances.		2
6.15	Processors must assess whether EE waste may contain other materials, mixtures and components that are hazardous waste than those listed in 6.14. EE waste, including materials, mixtures and components of EE waste, which are hazardous waste or radioactive waste, must be handled in accordance with Chapter 11 and Chapter 16 of these regulations.	Section 1-22 and chapter 11 of the Waste Regulations	1
	<i>7. Recycling shares</i>		
7.01	For EE waste in product groups 1 and 4, annually at least 85% § 1-18a		2

	of the collected amount of waste is recycled, of which at least 80% of the waste must be prepared for reuse or material recycled.		
7.02	For EE waste in product group 2, at least 80% of collected amount of waste is recycled, of which at least 70% of the waste must be prepared for reuse or material recycled.	Section 1-18a	2
7.03	For EE waste in product groups 5 and 6, at least 75% of collected quantity of waste is recycled, of which at least 55% of the waste must be prepared for reuse or material recycled.	Section 1-18a	2
7.04	For EE waste in product group 3, at least 80% of the collected amount of waste material must be recycled.	Section 1-18a	2
7.05	For items 8.01 to 8.05, the following formulas shall be used: Formula for calculating material recycling and preparation § 1-18a for reuse: $E = [(A + B) / D] 100$ Formula for calculating recycling: $F = [(A + B + C) / D] 100$ where E = proportion material recovered and prepared for reuse of the total weight amount of EE waste treated, stated as a percentage F = proportion recovered of the total weight amount of EE waste treated, stated as a percentage A = weight amount of EE waste material recovered B = weight amount of EE waste prepared for reuse C = weight amount EE waste energy utilization D = weight amount of EE waste collected 8. Waste accounting 8.01 The return company must keep accounts	Appendix 4 cf. $E = [(A + B) / D] 100$	2
	of the collected		
	amount of EE waste divided into product groups with subgroups, and further divided by municipality. Within each municipality, the amount collected must be distributed between retailers, municipal reception and other collection points.	Section 1-18b	1
8.02	The return company must keep accounts of the amount of EE waste processed, including EE waste prepared for reuse, divided into product groups with subgroups and further divided by treatment method and country,	Section 1-18b	1
8.03	The return company must keep accounts of the amount of EE waste processed in and out of all treatment facilities. The accounts must show EE waste broken down by components, mixtures and materials and further broken down by treatment method, treatment facility and country. The accounts must show which components, mixtures and materials have been removed in accordance with § 1-22 third to fifth paragraphs, which components, mixtures and materials have been sorted for recycling and how other waste has been treated.	Section 1-18b	1
8.04	The return company must keep accounts of the recovery shares achieved, cf. § 1-18a.	Section 1-18b	1
8.05	When documenting the data base and other appendices to the accounts in points 8.01 to 8.05, documentation must be obtained from all processors, from the first processor until the waste is finally recovered or final processed.	Section 1-18b	1
8.06	For items 8.01 to 8.06, as far as possible, real weight quantities shall be used. Distribution keys and average weight can be used if it would be disproportionately burdensome to	Appendix 4 cf. § 1-18b	1

use real weights. For materials and components that are hazardous waste, real weight quantities must be used.		
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0 Added by regulation 2 May 2005 no. 406 as amended by regulation 27 June 2006 no. 754 (in force 1 July 2006), amended by regulations 17 July 2006 no. 934, 20 Dec 2007 no. 1668 (in force 1 January 2008 ), 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 16 Dec 2015 no. 1772 (in force 1 Jan 2016), 16 Dec 2015 no. 1773 (in force 15 Aug 2018, cf. decision 15 Aug 2018 no. 1240), 28 June 2021 no. 2311, 20 March 2023 no. 377.

## Appendix 3. Auditor approval and auditor control

0 Appendix 3 added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

### Part A: Auditor approval of total collected amounts of EE waste

The return company must annually have the annual report on the total collected carried out by the auditor amount of EE waste. The return company must use an approved auditor.

The auditor must:

- a. the auditor carries out checks in accordance with the requirements of the international standard for attestation engagements ISAE 3000 Attestation engagements that are not audits or limited audits of historical financial information.
- b. perform the audit at its best discretion, including assessing the risk that there may be incorrect information in the annual report as a result of fraud and errors.
- c. carry out the investigations that he deems necessary to assess whether the registered weight quantities of collected EE waste in the annual report to the Norwegian Environment Agency are in accordance with the total weighed amount of EE waste for the return company.
- d. carry out random samples of registered amounts of EE waste received in the company's registers against weight slip from receipt registration. The auditor must also carry out other control actions of information on the registered quantity of EE waste in the annual report.

0 Added by regulation 16 December 2015 no. 1772 (in force 1 January 2016), amended by regulation 20 March 2023 no. 377.

### Part B: Auditor control of allocation keys and average weights that allocate collected amounts of EE waste to product groups

The return company must have an auditor's check of distribution keys and average weights every other year which distributes collected amounts of EE waste to product groups, cf. § 1-1a. The return company must use an approved auditor.

The auditor must:

1. carry out the auditor's control in accordance with the international standard ISRS 4400 Agreed control actions,
2. perform the following control actions;
  - a. The auditor must obtain and check that documentation on the calculation of the distribution keys and average weights show;
    - agreement between the receiving location, the return company and the counting crew on the calculation of the distribution key(s) and average weight(s), - date of when the calculation was carried out, - description of the number of random samples for the calculation of distribution keys and average weights, - that the cages or the EE waste selected for random samples, all relevant collection points (municipal reception, dealer and others) represent - that a controlled weighing of the EE waste in the random samples is carried out.The number of weighings that have been carried out must be stated, - that the product groups are used as a basis for sorting into product groups,
    - that the calculations that form the basis of the distribution keys and average weights are

mathematically correct.

- b. The auditor must check that the latest calculated distribution keys and average weights have been used when registering in the registration system.

- In case of automatic registration: the auditor checks documentation that shows that calculated distribution keys and average weight are used during registration, - In case of manual registration: the auditor checks that a minimum of 25 registrations of waste have used correct distribution keys and average weights according to documentation regarding the calculations of the distribution keys. c. The auditor must check whether the return company has routines for regular updating of distribution keys and average weights.
- d. The auditor must request written analyzes for the need for more allocation keys and average weights.

The auditor must report the results of the control actions in letters a to d to the return company.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## Part C: General requirements for the return company when using an auditor

For audits according to parts A and B, the return company must, as a minimum, give the auditor: a. access to all information known to the return company that is relevant to the preparation of the report, additional information that the auditor has requested for control purposes, and unrestricted access to persons in the unit from whom, in the auditor's opinion, it is necessary to obtain control evidence, b. information about

the results of the return company's assessment of the risk that the report may contain significant incorrect information, cf. the internal control regulations,

c. all information about any errors or suspected errors of which the return company is aware and which may have affected data or reporting,

d. information on all known or suspected cases of non-compliance failure to comply with laws and regulations that may have an impact on the preparation of the report and

e. information about the return company's related parties and all types of relationships with related parties parties and transactions with them with which they are familiar.

0 Added by regulation 16 Dec 2015 no. 1772 (in force 1 Jan 2016).

## Appendix 4. Requirements for calculating recycling shares and calculation methods for waste accounts etc.

### 1. Calculation of material recovered amount

Material recovered amount of EE waste shall be measured as the weight of materials which, after correct treatment in line with § 1-22, are added to a process for material recovery.

For waste materials and material recycling processes that are specified in table 1, the measurement points specified in the table must be used as a basis for calculating the amount of material recovered EE waste.

Materials removed during preparatory activities, such as sorting, dismantling, fragmentation or other treatment, and which is not to be added to a further process for material recovery, shall not be included in the calculation of material recovered amount of EE waste.

Waste materials that cease to be waste as a result of a preparatory activity at a measuring point as shown in table 1 must nevertheless be included in the calculation of the material recovered amount of EE waste.

Materials that are removed during pre-treatment at material recycling facilities and that are not material is recovered, shall also not be included in the calculation of the amount of EE waste that is material recovered by the facility.

Table 1: Measuring points where waste materials are added to a process for material recycling.

<b>Material</b>	<b>Measurement points</b>
Glass	Sorted glass that does not undergo further processing before that goes into a glass furnace or is used for the production of filter media, abrasives, glass-based insulation and building materials.
Metals	Sorted metal that does not undergo further processing before going into a melting furnace or blast furnace.
Plastic	Plastics that are sorted by polymers, which do not pass through further processing before entering pelletizing, extruding or forming operations.  Plastic flakes that do not undergo further processing before they are used in an end product.
Three	Sorted wood that does not undergo further processing before that used for the production of chipboard.  Sorted wood that goes into a composting process.
Textiles	Sorted textiles that do not undergo further processing before they are used for the production of textile fibres, cloths or granules.
Components from EE waste that consist of more materials	Metal, plastic, glass, wood, textiles and other materials such as emerges from the processing of components from EE waste (e.g. materials from the processing of circuit boards) that are recycled.

## 2. Calculation of preparation for reuse

The amount of EE waste prepared for reuse must be measured as the weight of the entire unit or the component which has been discarded and which, after inspection, cleaning or repair, can be reused without further sorting or pre-processing.

If the entire unit is prepared for reuse, and it is only the components that make up the total less than 15 percent of total weight, which is replaced by new components as part of the preparation for reuse, the entire weight of the unit must be included in the calculation of the amount of EE waste prepared for reuse.

Units and components that are sorted at treatment facilities for EE waste and that must be reused without further sorting or pre-treatment, must also be included in the calculation of the amount of EE waste prepared for reuse.

## 3. Calculation of recycling shares

The recovery rate must be calculated as the ratio between the collected and recovered amount of EE-waste. For processors who must obtain recycling shares in § 1-18 cf. § 1-22 and who must keep accounts cf. § 1-23, the quantity of EE waste of which they are the first recipient shall be considered as collected amount of EE waste in this calculation.

When calculating recycling shares, the following formulas must be used:

The formula for calculating material recovery and preparation for reuse shall be:

$$E = [(A + B)/D] * 100$$

The formula for calculating recycling must be:

$$F = [(A + B + C)/D] * 100$$

there

E = proportion of material recovered and prepared for reuse of the total weight amount of EE waste treated, expressed as a percentage

F = share recovered from the total weight amount of EE waste treated, expressed as a percentage

A = weight amount of EE waste material recovered

B = amount by weight of EE waste prepared for reuse

C = weight amount of EE waste energy utilised

D = weight amount of EE waste collected

#### 4. Use of distribution keys and average weights

As far as possible, real amounts of weight must be used. Distribution keys and average weight can be used if it would be disproportionately burdensome to use real amounts of weight. For materials and components that are hazardous waste, real weight amounts must be used.

0 Added by regulation 28 June 2021 no. 2311, amended by regulation 20 March 2023 no. 377.

## Chapter 2. Municipalities' responsibility for smaller leisure boats

0 Repealed from 1 July 2006, cf. regulation 2 May 2005 no. 406. The chapter added by regulation 5 Sep 2017 no. 1361 (in effective 1 Oct 2017).

Established on the basis of Act 13 March 1981 No. 6 on protection against pollution and on waste (Pollution Act) Section 29.

### Section 2-1. Purpose

The purpose of this chapter is to reduce the environmental problems smaller leisure boats cause when they end up as waste, as well as to increase material recycling of such boats.

0 Added by regulation 5 Sep 2017 no. 1361 (in force 1 Oct 2017).

### Section 2-2. Scope and definition of smaller leisure boats

The provisions in this chapter apply to the reception of smaller leisure boats which are waste according to Section 27 of the Pollution Act.

Smaller recreational boats are boats with a maximum hull length of 15 feet (4.572 metres) without an inboard engine.

0 Added by regulation 5 Sep 2017 no. 1361 (in force 1 Oct 2017).

### § 2-3. The municipality's responsibility

The municipality must ensure that smaller recreational boats that are waste can be delivered free of charge to a reception in the municipality or in reasonable proximity to the municipality.

0 Added by regulation 5 Sep 2017 no. 1361 (in force 1 Oct 2017).

## Chapter 3. Discarded batteries

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (Pollution Act) § 32 and § 33. Cf. EEA Agreement Annex II Chapter XV No. 12x (Directive 2006/66/EC amended by Directive 2008/103/EC), No. 12zh (Decision 2008/763/EC) and No. 12zt (Decision 2009/603).

## I. Preliminary provisions

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

### Section 3-1. Purpose

The purpose of the provisions in this chapter is to reduce the environmental problems batteries cause when they end up as waste. This must be done through separate collection, treatment and a high degree of recycling.

### Section 3-2. Scope

The provisions in this chapter regulate the collection, reception, treatment and recycling of discarded batteries.

The provisions in this chapter do not apply to batteries used in equipment that has been manufactured specifically for military purposes or to be sent into space.

### Section 3-3. Definitions

- In this chapter, a. *battery* means a source of electrical energy, where the energy is produced by direct conversion of chemical energy, and which consists of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable also called accumulators)
- b. *loose batteries*: any battery that is not installed in products c. *battery category*: the three battery categories are portable batteries, industrial batteries and lead batteries
- d. *portable battery*: sealed battery which can be hand-held and which is neither an industrial battery or lead battery
- e. *industrial battery*: battery specially made only for industrial or professional use or for propulsion in electric vehicles f. *lead battery*: battery containing lead, used for starter motor, ignition and lights in vehicles etc., which is not an industrial battery
- g. *material recycling*: any form of recycling where waste is transformed into a product h. *processing*: activities carried out for recycling or final treatment of waste, including preparations for recycling or final treatment and storage pending recycling or final treatment
- i. *producer*: anyone who commercially imports or in Norway produces batteries for it the Norwegian market, including batteries that are embedded in other products j. *dealer*: anyone who professionally sells loose batteries to an end user.

## II. Duties for dealer

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

### § 3-4. Obligation to accept discarded batteries

Retailers must return discarded loose batteries free of charge in the shop premises or at another location in the immediate vicinity of this. The duty is limited to the categories of batteries the retailer sells, but is not limited to brand or make. The acceptance obligation applies without an obligation to buy a new battery.

### **§ 3-5. Duty to ensure sorting and storage**

The retailer must ensure that loose, discarded batteries that have been received are sorted from other waste and stored in a suitable place without endangering health, the environment or safety. The storage shall not reduce the possibility of treatment, including recycling, of the discarded batteries.

### **§ 3-6. Duty to inform**

The dealer must inform that loose batteries must not be thrown away with other waste and about the acceptance obligation that the dealer has. Information must be provided through notices in shop premises. The text must be eye-catching, easy to read and stand out from other information.

## **III. Duty of producer**

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

### **§ 3-7. Obligation to be a member of a return company**

Manufacturers of batteries must fulfill their producer responsibility through membership of an approved return company for discarded batteries. The membership must cover the battery category or categories that the manufacturer imports to or produces in Norway. If the business ceases in Norway, the manufacturer must opt out of the return company.

Manufacturers of batteries that are built into EE products or vehicles and who are members of an approved return company according to chapters 1 and 4 of these regulations do not, as far as these batteries are concerned, need to be a member of a return company with approval according to § 3-8.

0 Amended by regulation 6 Dec 2018 no. 1872.

### **Section 3-7a. Obligation to provide information to the return company**

When registering with a return company, the manufacturer must provide the return company with the following information: a. the manufacturer's name and any trademarks that the manufacturer uses in Norway b. the manufacturer's visiting and postal address, Internet address (URL) and telephone number as well as, if applicable, the manufacturer's contact person, fax number and e-mail address c. indication of the battery category or categories that the manufacturer brings into circulation d. the manufacturer's organization number e. declaration that the information provided is correct.

If the information mentioned in the first paragraph changes, the return company must be informed of this no later than one month after the change.

0 Added by regulation 6 Dec 2018 no. 1872.

## IV. Duties for the return company for batteries

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

### **§ 3-8. Requirements for approval of the return company for batteries**

Whoever runs a return company for discarded batteries must have approval from the Norwegian Environment Agency. There is an opportunity to apply for approval for limited categories of batteries. It must be confirmed in the application that the scheme satisfies the obligations in § 3-9 to § 3-14.

The Norwegian Environment Agency can set further conditions for approval. The approval can be withdrawn back if the duties in § 3-9 to § 3-14 or the terms of the approval are not complied with.

0 Amended by regulation 15 March 2013 no. 284 (in force 1 July 2013).

### **Section 3-9. Obligation for equal treatment and funding**

All manufacturers of batteries must have access to participate in the return company on equal terms. It is still possible to differentiate the price of participation in the return company depending on the costs of administering the scheme, collecting, processing and recycling different batteries.

Any registration fees for new registration and changes to information mentioned in § 3-7a must be calculated on the basis of the costs and proportionately.

0 Amended by regulation 6 Dec 2018 no. 1872.

### **Section 3-10. Obligation to establish a collection system and collection**

Each return company must ensure that an adequate collection system is established in the geographical areas of the country where members' products are or have previously been sold or delivered. The system can be limited to the categories of batteries the members sell.

The return company must arrange for free collection of discarded batteries from dealers.

### **Section 3-11. Collection obligation**

Return companies must annually collect at least 95 per cent of the members' total import and production of lead-acid batteries and industrial batteries.

For portable batteries, the return company must collect 65 per cent of the members' total imports and production of loose batteries.

The Norwegian Environment Agency can, by decision, change the percentages in this provision to ensure an appropriate collection of discarded batteries.

The collection rate must be calculated by dividing the weight of all batteries within the same category, collected by the return company in the current calendar year, by the weight of the members' total supply within the same category in the previous calendar year. Supply of goods must be calculated on the basis of domestic production and import and export data from the Directorate of Customs and Excise. A deduction is calculated in the supply of goods for batteries that have been exported before they have been sold to the end user.

0 Amended by regulations 15 March 2013 no. 284 (in force 1 July 2013), 10 Nov 2023 no. 1885 (in force 1 Jan 2024).

### **Section 3-12. Duty to treat and recycle**

The return company must ensure that all batteries that have been collected are treated and recycled in line with the requirements in § 3-17.

### **Section 3-13. Duty to report**

The return companies must report at least annually to the Norwegian Environment Agency. The report must include: a. Data on which manufacturers are members, on their quantities of imports, exports and domestic production of batteries, as well as an overview of recipient countries for exports. b. Data on the collection rate achieved and the amount of discarded batteries that have been collected and sent for recycling. c. Which treatment facilities have been used, their location, what quantities processed by whom, as well as the degree of recovery achieved. Recovery rate must be reported in line with § 3-18a. d. The calculation basis for any fees according to Section 3-9, second paragraph, if they have been changed.

The Climate and Pollution Directorate can set further requirements for the content of the reporting.

0 Amended by regulations 15 March 2013 no. 284 (in force 1 July 2013), 18 November 2013 no. 1328, 6 December 2018 no. 1872.

### **Section 3-14. Duty to inform**

The return company must inform the public about a. the batteries' potential health and environmental effects b. the purpose of source sorting of batteries c. that the batteries are part of a system for return and recycling and that discarded batteries can be delivered free of charge to dealers d. how the return company contributes to the recycling of discarded batteries e. what is the labeling in regulation 1 June 2004 no. 922 on restrictions on the use of health and environmentally hazardous chemicals and other products (product regulations) chapter 2 appendix 1 means.

## **V. Obligations for the return company for EE waste and scrapped vehicles**

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

### **Section 3-15. Requirements for dismantling, processing and reporting**

The return company for EE waste and scrapped vehicles is obliged to ensure the removal of batteries, cf. this regulation's chapter 1, appendix 2 part c, point 6.23 d) and chapter 4, appendix 1 no. 3.

§ 3-12 and § 3-13 also apply to return companies for EE waste or discarded vehicles approved in accordance with chapters 1 and 4 of these regulations.

## **WE. Duties for receiving, sorting and processing facilities**

0 Entire chapter 3 amended by regulation 24 October 2012 no. 989.

### **Section 3-16. Requirements for a permit**

Whoever handles batteries that are hazardous waste must have a permit, cf. § 11-6 and § 11-7 of these regulations.

Anyone who is to operate a storage site or a facility for the treatment of discarded batteries that are not hazardous waste must have a permit in accordance with Section 29 of the Pollution Act, cf. Section 11, if the facility may cause pollution or have an unsightly effect.

### **Section 3-17. Requirements for treatment facilities**

Processing and storage, including temporary storage at processing facilities must take place at places with impervious surfaces and suitable weatherproof covering or in suitable containers.

Pre-treatment at the recycling plant must at least include removal of all liquids and acids where relevant.

The recycling rate must be a. at least

65 percent material recycling of the lead batteries' average weight, including

material recovery of the lead content to the highest technically possible level, without excessive costs

b. at least 75 percent material recycling of the nickel-cadmium batteries' average weight,

including material recovery of the cadmium content to the highest technically possible level, without excessive costs

c. at least 50 percent material recycling of other batteries' average weight.

The recovery rate must be calculated in line with § 3-18a.

0 Amended by regulation 18 Nov 2013 no. 1328.

### **Section 3-18. Duty to report**

Treatment plants for batteries must report annually to the Norwegian Environment Agency about the quantities that has been treated and the degree of recovery that has been achieved. Recovery rate must be reported in line with § 3-18a. When batteries or fractions from batteries are forwarded to other treatment facilities, the facility's name, location and the treatment method used must be stated in the report.

This reporting obligation does not apply if the facility is associated with an approved return company which reports the facility's complete treatment and recycling activity in accordance with § 3-13.

The Norwegian Environment Agency can set further requirements for the content of the reporting.

0 Amended by regulations 15 March 2013 no. 284 (in force 1 July 2013), 18 November 2013 no. 1328.

### **Section 3-18a. Requirements for calculating and reporting the recovery rate - implementation of Regulation (EU) No. 493/2012**

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are under 6 meters long and designed for the transport of up to 16 people in addition to the driver, as well as for camper vans and combined vehicles, cf. regulations 4 October 1994 no. 918 on technical requirements and approval of vehicles, parts and equipment (the vehicle regulations).

Section III Treatment of discarded vehicles applies to all vehicles.

0 Amended by regulation 3 July 2006 no. 880.

#### Section 4-3. Definitions

- a. By *producer* is meant anyone who commercially imports or produces in Norway vehicles for the Norwegian market.
- b. By *treatment* is meant any activity after the vehicle has been delivered to a treatment facility for discarded vehicles for the removal of hazardous substances and further dismantling, splitting, fragmentation, recycling or preparation for the removal of residual waste after fragmentation (shredder-fluff), or other operations which is made for recycling or final processing of the scrapped vehicle and its parts. c. By *dangerous substances* is meant chemical substances and substance mixtures that can cause health, environmental, fire and explosion hazards, cf. regulations on classification, labeling etc. of hazardous chemicals § 3 a–o or regulation 16 June 2012 no. 622 on classification, labeling and packaging of substances and mixtures (CLP) § 1, cf. CLP regulation appendix I, depending on which regulations apply.
- d. *Dismantling information* means all information that is necessary to process scrapped vehicles in an environmentally sound manner, including information on the location of components and materials containing hazardous substances and information on recyclability.
- e. By *recycling* is meant both reuse, material recycling and recycling energy utilization.

0 Amended by regulations 3 July 2006 no. 880, 3 July 2014 no. 958, 18 May 2021 no. 2041 (in force 1 July 2021).

## II. Return system for discarded vehicles

#### Section 4-4. Manufacturer's responsibility

Manufacturers are obliged to ensure the environmentally responsible collection and treatment of scrapped vehicles in accordance with section III Treatment of scrapped vehicles in this chapter. The obligation for each manufacturer includes the proportionate share of scrapped vehicles that corresponds to the person concerned's market share for the Norwegian market in the same year.

Manufacturers must by 1 January 2006 ensure that 85%, measured by weight, of their proportionate share of the scrapped vehicles, cf. first paragraph, is recycled, of which at least 80 percentage points are material recycled and the rest is used for energy.

Manufacturers must by 1 January 2015 ensure that a total of 95%, measured by weight, of their proportionate share of the scrapped vehicles, cf. first paragraph, is recycled, of which at least 85 percentage points are material recycled and the rest is used for energy.

Producers are obliged to provide satisfactory information to the public and others concerned actors on the return system for scrapped vehicles.

The duty under this section must be fulfilled through participation in an approved return system, cf. § 4-5 and § 4-6. \_\_\_\_\_

#### **§ 4-5. Approval of return system**

The return system for scrapped vehicles must be approved in advance by the Norwegian Environment Agency. It must be confirmed that the arrangement satisfies the requirements in this chapter. Additional conditions may be imposed on the approval. Approval can be withdrawn if the conditions are not met.

Anyone must be able to deliver any scrapped vehicle to the return system free of charge, cf. section 4-2 first paragraph. The return system must have good geographical accessibility.

All producers must have access to participate in the return system, and all participants must be treated on equal terms. It is still possible to differentiate the price of participation in the system depending on the costs of treating the various vehicles.

It must be possible to document that the return system has sufficient financial security.

Anyone can establish and operate a return system for scrapped vehicles.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

#### **§ 4-6. Documentation of participation in the return system**

Anyone who manufactures or imports vehicles must be able to document that the vehicles which produced or imported is linked to an approved return system. The documentation must be submitted to the Norwegian Environment Agency on request.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

### **III. Treatment of discarded vehicles**

#### **§ 4-7. Requirements for treatment facilities**

Whoever operates a treatment facility for discarded vehicles must have special permission from the pollution authority according to Section 11 of the Pollution Act.

As a minimum, the requirements in appendix 1 to this chapter must be satisfied, including components and materials that are marked or otherwise made identifiable in accordance with regulation 1 June 2004 no. 922 on restrictions on the use of health and environmentally hazardous chemicals and other products § 2-19, third paragraph, will be removed from 1 July 2003 at the latest.

0 Amended by regulation 3 July 2014 no. 958.

### **IV. Completion of the wreck report and payment of the wreck deposit**

#### **§ 4-8. Wreck deposit**

Wreckage deposits are paid for scrapped vehicles that were registered (labelled) after 1 January 1977 or was registered (labelled) earlier and which was still registered on 1 January 1977.

The minimum requirement for a lien-eligible wreck is that the car is handed in to an approved processing facility with a complete, undivided frame, chassis or self-supporting bodywork, where the chassis number is stamped.

#### **§ 4-9. Paying authority**

Payment of deposits for scrapped vehicles that are delivered to treatment facilities that have been approved by the pollution authority to print a wreck report, is carried out by the tax office.

0 Amended by [regulation 2 Dec 2015 no. 1385](#) (in force 1 Jan 2016).

#### **Section 4-10. Completing the wreck report**

When receiving a scrapped vehicle at a processing facility, a notification about the vehicle must be filled in on a form determined by the Norwegian Tax Administration, cf. minimum requirements for scrap notification in appendix 2 to this chapter. Information about the vehicle's last registration number must be documented by presenting a vehicle registration card, a receipt from the National Roads Administration for submitted plates or a receipt for paid insurance. The vehicle's chassis number must be documented with any license plate and checked against the wreckage as long as it is legible.

The person delivering the vehicle must provide identification by presenting a passport, driver's license or similar document. The number of the identification document as well as the personal or company number must be added to the wreck report.

For scrapped vehicles that have been delivered for scrapping in EEA countries outside Norway, a scrapping report must be submitted which is issued in the country where the wreck took place is accepted.

0 Amended by [regulations 2 Dec 2015 no. 1385](#) (in force 1 Jan 2016), [18 May 2021 no. 2041](#) (in force 1 July 2021).

#### **Section 4-11. Record keeping and submission of wreck report**

Wreck reports must be registered at the processing facilities in a record in ascending serial number order.

Electronic transmission of wreckage reports from the treatment facilities must be used for users who have been approved by the tax office. Such messages can be transmitted daily. The transfer does not involve changes in the obligation to fill in and keep wreck reports.

If electronic transmission is not used, the wreckage reports must be sent together to tax office on the 1st and 15th of each month.

If the said date falls on a Saturday or holiday, the shipment is postponed until the next day business day that is not Saturday.

0 Amended by [regulation 2 Dec 2015 no. 1385](#) (in force 1 Jan 2016).

#### **Section 4-12. Payment of deposit**

The Tax Office pays out a wreck bond, when the conditions for it are present, to the person to whom the amount is due the wreck report must be paid to. The scrap deposit rate is determined by the annual budget decisions in the Storting.

Payment is made in the manner and at the time determined by the Norwegian Tax Administration.

0 Amended by regulation 2 Dec 2015 no. 1385 (in force 1 Jan 2016).

#### **Section 4-13. Retention of accounts**

The treatment facilities' accounts with attachments - including copies of wreck reports and related journal - must be kept as laid down in Act 13 May 1977 no. 35 on accounting obligations etc. § 11.

## **V. Final Provisions**

#### **Section 4-14. Reporting obligation**

Manufacturers of vehicles must be able to document how the obligations under the provisions of this chapter are fulfilled. Such documentation must be submitted to the Norwegian Environment Agency on request.

The Norwegian Environment Agency can determine more detailed guidelines for reporting.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

#### **Section 4-15. Phasing out of components, labeling and obligation to provide information**

Provisions on the phasing out of components, labeling and information obligations are included in the regulations 1 June 2004 No. 922 on restrictions on the use of chemicals and other products hazardous to health and the environment § 2-19.

0 Amended by regulation 3 July 2014 no. 958.

#### **Section 4-16. Supervision**

The Norwegian Environment Agency supervises that § 4-4 to § 4-6 are followed, and the state administrator supervises that § 4-7 is followed.

The Tax Directorate, or the person authorized by the Ministry of Finance, supervises that § 4-8 to § 4-13 are followed. \_\_\_\_\_

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 2 Dec 2015 no. 1385 (in force 1 Jan 2016), 14 Dec 2020 no. 3341 (in force 1 June 2021).

#### **Section 4-17. Compulsory fine**

The tax office can decide on compulsory fines pursuant to Section 13 of the Product Control Act or Section 73 of the Pollution Act within its supervisory area, cf. Section 4-16. \_\_\_\_\_

Otherwise, the rules on compulsory fines in chapter 17 apply.

0 Amended by regulation 2 Dec 2015 no. 1385 (in force 1 Jan 2016).

**Section 4-18. Complain**

Decision made by the tax office in accordance with section IV Completion of wreck deposit and payment of scrap deposits, can be appealed to the Directorate of Taxation.

Otherwise, the rules on complaints in chapter 17 apply.

0 Amended by regulation 2 Dec 2015 no. 1385 (in force 1 Jan 2016).

**Section 4-19. Transitional provisions**

Until 1 January 2007, Section 4-4 only applies to vehicles registered for the first time in Norway after 1 July 2002. From 1 January 2007, section 4-4 covers all vehicles, regardless of the time of registration.

## Appendix 1. Technical minimum requirements for treatment facilities for discarded vehicles, cf. § 4-7

1. *Areas for the storage (including temporary) of scrapped vehicles before treatment must be equipped with* - fixed,

impermeable cover on a suitable area with a collection solution or sand trap and oil separator, - equipment for the treatment of waste water in accordance with a permit or a permit for the transfer of waste water to approved facility.

2. *Areas for environmental remediation and preparation for further treatment must be equipped with*

- fixed, impermeable cover on a suitable area with collection solution or sand trap and oil separator, - suitable areas

for dismantled components, including areas with a fixed cover for storing oil-contaminated parts that can be reused, - suitable containers for storing batteries (with

electrolyte neutralization on site or external), oil filters as well as filters and capacitors containing PCB/PCT, - suitable storage tanks for the special storage of liquids from scrapped vehicles:

fuel, oil, antifreeze, coolants, brake fluid and any other liquids found in the scrapped vehicle, - equipment for treatment of waste water in accordance with a permit or permit for the transfer of waste water to an approved facility.

3. *Requirements for environmental remediation. In order to reduce possible contamination during further*

*processing,* - dismantling of the battery and liquid gas tanks, -

dismantling or neutralization of potentially explosive components (for example airbags and belt tensioners), - dismantling of oil filters, -

draining and separate collection

of fuel, oil, antifreeze, coolants, brake fluid, as well as all other liquids in discarded vehicles unless they are necessary for the reuse of the relevant components, - dismantling of mercury-containing components,

where possible.

4. *Requirements for environmental remediation. To promote recycling,* -

dismantling of catalytic converters,

- dismantling of tyres, -

dismantling of metal components containing copper, aluminum and magnesium, with

unless these metals are separated in the subsequent fragmentation, -  
dismantling of glass and larger plastic components unless these materials are separated in the subsequent fragmentation.

5. Storage and treatment must be carried out in such a way that damage to components containing liquids or to components and parts that can be recycled is avoided to the greatest extent possible.

6. *Materials and components that are covered by regulation 1 June 2004 no. 922 on restrictions on the use of chemicals and other products hazardous to health and the environment (the product regulation) § 2-19 third paragraph, and which must be removed from the scrapped vehicle before further processing, cf. § 4-7*

*Components containing lead and lead compounds* 1. Batteries

2. Lead

solder for vibration damping 3. Solder in  
electronic circuit boards and in other electrical applications 4. Copper in brake linings

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containing more than 0.4% lead by weight 5. Electrical components containing lead  
bound in glass or ceramic material excepted

glass in light bulbs and spark plugs that are glazed 2

*Components containing hexavalent chromium* 6.

Absorption cooling device in motorized caravan (campervan)

*Components containing mercury*

7. Discharge lamps and instrument lighting

*Components containing cadmium* 8. Batteries

for electric vehicles 9. Optical  
components in glass matrices used for driver assistance systems

1 Must be dismantled if an average threshold value of 60 grams of lead and lead compounds per vehicle is exceeded. When using this provision, electrical equipment that is not installed by the factory's production line is not included.

2 Must be dismantled if an average limit value of 60 grams of lead and lead compounds per vehicle is exceeded. When using this provision, electrical equipment that is not installed by the factory's production line is not included.

*Notes:*

- maximum concentration value up to 0.1% by weight and per uniform material for lead, hexavalent chromium and mercury and up to 0.01 weight percent per uniform material for cadmium shall be accepted.

- The reuse of parts for vehicles that are already on the market at the expiry date of the heavy metal exemption is permitted without restrictions because this use is not covered by the prohibition in § 2-19 of the product regulations.

0 Amended by regulations 3 July 2006 no. 880, 3 July 2014 no. 958.

## Appendix 2. Minimum requirements for wreck reports issued in accordance with § 4-10

1. Name and address as well as signature and register or identification number (enterprise number) on the business or enterprise that issues the wreck report.
2. Name and address of the authority responsible for the permit (cf. § 4-7) for it \_\_\_\_\_  
business or the company that issues the wreck report.
3. Name and address as well as signature and register or identification number (enterprise number) of the business or enterprise that issues the scrap notification, if it is done by a manufacturer, dealer or collection business on behalf of an approved car collection point.

4. Date of issue.
5. The vehicle's nationality designation and registration number (documentation for registration is attached, or a statement from the business or enterprise issuing the wreck report is attached, stating that the registration document has been destroyed).<sup>1</sup>
6. The vehicle's group (M1 or N1) as well as make and model.
7. The vehicle's identification number (chassis number/chassis number).
8. Name, address and nationality of the person delivering the vehicle or the owner, as well as his signature.

<sup>1</sup> This requirement can be waived if, as a result of the registration system being electronic, there is not one registration document in paper form.

## Chapter 5. Collection and recycling of discarded tyres

Established on the basis of Act 11 June 1976 No. 79 on the control of products and consumer services (the Product Control Act)

Section 4

### Section 5-1. Purpose

The purpose of the provisions in this chapter is to reduce the environmental problems tires cause when they end up as waste in landfill etc. by ensuring a high degree of recycling of discarded tyres.

### Section 5-2. Scope

The provisions in this chapter regulate the collection and recycling of discarded tyres.

### Section 5-3. Definitions

In this chapter, tires mean *tires* for motor vehicles and trailers/trailer equipment, cf. regulations 4 October 1994 No. 918 on technical requirements and approval of vehicles, parts and equipment (the vehicle regulations) chapter 2.

In this chapter, *recycling* means the utilization of discarded tires in the form of reuse, material recycling and energy utilization.

### Section 5-4. Prohibition of deposit

It is forbidden to deposit tires in landfills.

### Section 5-5. Acceptance and collection obligation

Retailers of tires are obliged to take back discarded tires free of charge. The duty is limited to a reasonable amount of the tire category the retailer sells.

The manufacturer/importer is obliged to collect discarded tires free of charge in corresponding geographical areas of the country where the manufacturer's/importer's tires are sold. Paragraph one, second point, applies accordingly. The collection obligation for the manufacturer/importer can be fulfilled by a third party.

### § 5-6. Recycling obligation

The manufacturer/importer of tires has a duty to ensure that the discarded tires for which they are responsible according to § 5-5 are recovered. The recycling obligation can be fulfilled by a third party.

### § 5-7. Reporting obligation

The producer/importer must annually report to the Norwegian Environment Agency on the production and import of tires and on the collection and recycling of discarded tyres. More detailed guidelines can be laid down for how the reporting should take place. The reporting obligation can be fulfilled by a third party.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

## Chapter 6. Return systems for packaging for beverages

Determined by the Ministry of Climate and the Environment on 18 May 2022 based on Act 11 June 1976 no. 79 on control of products and consumer services (Product Control Act) § 4, cf. regulation 5 August 1977 no. 2 on implementation of the Act on control of products and consumer services and delegation decision of 7 September 1990 no. 730, and Act of 13 March 1981 no. 6 on protection against pollution and on waste (pollution act) § 31, § 32, § 33, § 49, § 52a, § 63 and Section 81, cf. delegation decision of 8 July 1983 no. 1245 and delegation decision of 11 June 1993 no. 785.

**EEA references:** EEA Agreement Annex II Chapter XVII No. 7 (Directive 1994/62/EC as amended by Directive 2004/12/EC, Directive 2005/20/EC, Directive 2013/2/EU and Directive (EU) 2018 /852).

### Section 6-1. Scope

The provisions in this chapter apply to return systems for inner packaging for beverages. The provisions in this chapter only apply to return systems for inner packaging that are used for distribution all the way to the consumer.

0 Amended by regulation 18 May 2022 no. 982.

### Section 6-2. Purpose

The purpose of the provisions in this chapter is to contribute to effective return systems with a high return rate for inner packaging for beverages so that the return systems help to prevent littering and to reduce the amount of waste from such inner packaging.

0 Amended by regulation 18 May 2022 no. 982.

### Section 6-3. Definitions

In this chapter, a *return system* is understood as an arrangement where the consumer can return empty packaging free of charge for reuse or recycling.

In this chapter, *beverages* are understood to mean only liquid beverages, including liquids concentrates intended for mixing.

In this chapter, *recycling* means any measure where the main result is that waste is produced useful by replacing materials that would otherwise have been used, or that waste has been prepared for this.

In this chapter, *material recycling* means any form of recycling where waste materials are used for the production of substances or movable objects that are not waste. Material recycling includes biological treatment of organic waste. The use of waste for the production of energy or materials to be used as fuel or fillers is not considered material recycling.

*Deposit scheme* in this chapter means an arrangement where the consumer and outlet pay a certain amount (deposit) for a product's packaging on the condition that the amount is repaid to the buyer when the empty packaging is returned.

Inner *packaging* means the packaging unit (bottle, can, etc.) into which the beverage is bottled.

0 Amended by [regulations 24 Nov 2017 no. 1856](#) (in force 1 Jan 2018), [18 May 2022 no. 982](#).

#### **Section 6-4. Establishment and approval of the return system**

The individual producer or importer of beverages can establish and manage or cease a return system for the inner packaging. The Norwegian Environment Agency decides whether the return system is to be approved.

A prerequisite for approval is that the return system is expected to achieve a minimum return of 25%, and that the packaging goes to environmentally responsible reuse or recycling. A return system based on energy utilization is only approved if reuse or material recycling is not technically, environmentally or financially sound. In order to be approved, the return system must also demonstrate to the Norwegian Environment Agency that it will be able to fulfill the obligations in § 6-5a of this chapter.

Conditions may be set for the approval.

0 Amended by [regulations 21 June 2010 no. 1073](#), [15 March 2013 no. 284](#) (in force 1 July 2013), [18 May 2022 no. 982](#).

#### **Section 6-5. Determination of return share**

The Norwegian Environment Agency determines the return rate that the return system can be expected to achieve.

Determining the return share is done in advance for a maximum of one year at a time. A decision on the return share is used as the basis for a reduction of tax in accordance with the Ministry of Finance's regulations on special taxes, cf. [chapters 3-5 on taxes on beverage packaging](#) (environmental and basic tax).

0 Amended by [regulations 21 June 2010 no. 1073](#), [15 March 2013 no. 284](#) (in force 1 July 2013).

#### **Section 6-5a. Obligation for material recycling, reporting etc**

The obligations and requirements in the waste regulations § 7-9 a (obligation to recycle materials), § 7-10 (obligation to inform), § 7-12 (obligation to report and document) and § 7-13 (requirement for calculation of material recycling share) apply correspondingly to approved return systems according to § 6-4.

0 Added by [regulation 18 May 2022 no. 982](#).

## **Section 6-6. Marking**

Inner packaging that is included in the deposit scheme must be marked with a deposit mark that shows the mortgage rate. The pledge mark must have a minimum size of 9 mm x 9 mm.

The pledge mark must be printed on the inner packaging itself or on the label. For imported products and products in small product series, a sticker can be used.

The requirement for the minimum size of the pledge, cf. first paragraph, applies from 1 September 2018.

0 Amended by [regulation 24 Nov 2017 no. 1856](#) (in force 1 Jan 2018).

## **§ 6-7. Delivery to retail outlets of packaging that is included in the deposit scheme**

Retail outlets of beverages in packaging that are included in the deposit scheme are obliged to take back reasonable quantities of empty packaging that they themselves sell. Upon delivery to the outlets, the deposit amount may be required to be paid in cash.

0 Amended by [regulation 24 Nov 2017 no. 1856](#) (in force 1 Jan 2018).

## **§ 6-8. Mortgage rates**

For inner packaging that is included in the deposit scheme, the point of sale and the consumer must pay a deposit according to the

following rates: a. for inner packaging with a filled volume up to and including 50 cl: NOK 2.00 per unit b. for inner packaging with a filled volume over 50 cl: NOK 3.00 per unit.

Until 1 September 2018, the following deposit rates can still be used: a. for inner packaging with a filling space up to and including 50 cl:

i. for trade between manufacturer/importer and reseller: NOK 1.20, ii. for trade between reseller and consumer: NOK 1.00.

b. for inner packaging with a filling compartment content of more than 50 cl:

i. for trade between manufacturer/importer and reseller: NOK 3.00, ii. for trade between reseller and consumer: NOK 2.50.

If the purchase price of inner packaging exceeds the pledge rates in the first paragraph or the return rate for a type of inner packaging is particularly low, a return system can apply to the Norwegian Environment Agency to have a higher pledge rate set. The Norwegian Environment Agency can set conditions for the determination of such special mortgage rates.

0 Amended by [regulation 24 Nov 2017 no. 1856](#) (in force 1 Jan 2018).

## **§ 6-9. Prohibition of a packaging variant**

The Norwegian Environment Agency can prohibit the use of inner packaging that prevents the appropriate implementation of established deposit schemes.

0 Amended by [regulations 21 June 2010 no. 1073](#), [15 March 2013 no. 284](#) (in force 1 July 2013).

### § 6-10. Supervision

The Norwegian Environment Agency supervises that the provisions in this chapter and decisions made in the provisions of this chapter are complied with.

0 Added by regulation 18 May 2022 no. 982.

### § 6-11. Fee

Anyone who applies for approval or change of approval of a return system must pay fee to the Treasury for the Environmental Directorate's proceedings.

The Norwegian Environment Agency may charge a fee when inspections are carried out in accordance with this chapter.

The Norwegian Environment Agency determines the fee rates according to the first and second paragraphs.

When special reasons exist, the Norwegian Environment Agency can reduce or waive the fee in accordance with this provision.

0 Added by regulation 18 May 2022 no. 982.

## Chapter 7. Packaging and packaging waste

0 Chapter 7 repealed by regulation 4 May 2015 no. 496 (in force 31 Dec 2015), added again by regulation 23 Aug 2017 No. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 No. 988.

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (pollution act) § 31, § 32, § 33, § 49, § 52a, § 63 and § 81, cf. delegation decision of 8 July 1983 no. 1245 and delegation decision of 11 June 1993 no. 785, Act of 11 June 1976 no. 79 on control of products and consumer services (product control act) § 4, cf. regulation 5 August 1977 no. 2 on the implementation of the act on control of products and consumer services and delegation decision of 7 September 1990 No. 730.

**EEA references:** EEA Agreement Annex II Chapter XVII No. 7 (Directive 1994/62/EC as amended by Directive 2004/12/EC, Directive 2005/20/EC, Directive 2013/2/EU, Directive (EU) 2018 /852 and Commission Implementing Decision (EU) 2019/665).

### Section 7-1. Purpose

The purpose of this chapter is to reduce the environmental problems packaging causes when it is used, increase reuse and material recycling and reduce environmental problems from packaging waste. This is to be done by reducing the amount of packaging, through optimization of the packaging and by ensuring that used packaging and packaging waste are collected, reused and material recycled.

0 Repealed by regulation 4 May 2015 no. 496 (in force 31 December 2015), added again by regulation 23 August 2017 no. 1289 (in force 1 Sep 2017).

### Section 7-2. Scope

The provisions in this chapter regulate unused packaging placed on the market in Norway the market, as well as collection, reuse, material recycling and other treatment of used packaging and packaging waste.

The provisions in this chapter do not apply to Svalbard and Jan Mayen.

0 Repealed by regulation 4 May 2015 no. 496 (in force 31 Dec 2015), added again by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 1245.

### Section 7-3. Definitions

In this chapter is meant a.

*packaging*; any product, consisting of materials of any kind, used for packaging, protection, handling, delivery from producer to user and presentation of goods, including raw materials and finished products. When assessing whether something is packaging, the following must be taken into account: 1. Products which form an integral part of a

product and which are necessary to enclose, support or preserve the product throughout its lifetime are not packaging if all parts are intended to used or consumed collectively

2. Products that are designed for and intended to be filled, or that are sold filled, shall be considered packaging to the extent that they fulfill a packaging function

3. Packaging components and auxiliary elements that are integrated in the packaging shall be considered as part of the packaging in which they are integrated. Auxiliary elements that are hung directly on or are attached to the product, and which fulfill a packaging function, shall be considered as packaging unless they constitute an integral part of the product and all parts are intended to be consumed or disposed

of together. b. *reusable packaging*; packaging that is designed and placed on the market with the intention of could be used several times for its original purpose

c. *sales packaging*; packaging that is designed in such a way that at the point of sale it constitutes a unit of sale for the end user

d. *plastic carrier bags*; carrier bags made of plastic thinner than 50 micrometres, with or without handles, which are delivered to consumers at the point of sale of goods and products e. *packaging waste*; any packaging covered by the definition of waste i

Pollution Act § 27. Reusable packaging is considered packaging waste when it is not to be used more than once for its original purpose and is discarded. f. *return company*; an enterprise that undertakes to fulfill obligations under these regulations for a or several producers, and who are approved in accordance with §

7-14 g. *producer*; anyone who professionally imports or in Norway produces packaging or packaged products for the Norwegian market h. *processing*;

activities carried out for recycling or final treatment of waste, including preparation for recycling or final treatment and storage pending recycling or final treatment

i. *material recycling*; any form of recycling where waste materials are used manufacture of substances or movable objects that are not waste. Material recycling includes biological treatment of organic waste. Use of waste for the production of energy or materials to be used as fuel or fillers is not considered material recycling j. *waste prevention*: measures taken before packaging

becomes waste and which reduce the amount of waste, harmful effects of the waste on the environment and human health or the content of harmful substances in the packaging.

0 Repealed by regulation 4 May 2015 no. 496 (in force 31 December 2015), added again by regulation 23 August 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

### Section 7-4. Basic requirements for the composition of the packaging, etc.

Packaging can only be traded in the Norwegian market if it meets the basic requirements in Annex I to this chapter.

The basic requirements according to the first paragraph shall be deemed to have been complied with if the packaging is in accordance with

- a. harmonized standards that have been published in the Official Journal of the European Communities, or b. national standards that have been submitted to the European Commission, if there are none harmonized standards according to letter a.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), repealed by regulation 4 May 2015 no. 496 (in force 31 Dec 2015), added again by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017).

#### **Section 7-5. *Obligation to be a member of a return company***

Producers who supply the market with at least 1,000 kg of a packaging type per year must finance collection, sorting, material recycling and other treatment of used packaging and packaging waste through membership of a return company approved by the Norwegian Environment Agency, cf. § 7-14.

If the return company cannot fulfill its obligations according to § 7-9 to § 7-14, the producer himself must ensure that the duties in § 7-9, § 7-9a, § 7-12 and § 7-13 are fulfilled.

The manufacturer's duties in the first and second paragraphs do not apply to packaging that is part of an approved return system for inner packaging for beverages, cf. § 6-4 of the waste regulations.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), repealed by regulation 4 May 2015 no. 496 (in force 31 December 2015), added by regulation 23 August 2017 no. 1289 (in force 1 January 2018), amended by regulation 18 May 2022 no. 988.

#### **Section 7-6. *Obligation for waste prevention***

The manufacturer must work for waste prevention. The Norwegian Environment Agency can establish more detailed guidelines for the work with waste prevention.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), repealed by regulation 4 May 2015 no. 496 (in force 31 Dec 2015), added again by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017).

#### **Section 7-7. *Obligation to report work on waste prevention and production requirements***

The manufacturer must alone or in collaboration with the other manufacturers prepare an annual report on the manufacturers' efforts for and results of waste prevention. The report must also explain the extent to which the basic requirements for the production of packaging and its composition according to Annex I No. 1 to this chapter are complied with. The report must provide an overview of measures, expertise and information, the development in the amount of packaging that occurs in tonnes and in percentage change from the previous year, as well as further plans for waste prevention. The Norwegian Environment Agency can set further requirements for reporting.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 Dec 2013 no. 1757 (in force 1 January 2014), repealed by regulations 4 May 2015 no. 496 (in force 31 Dec 2015), added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017).

## **§ 7-8. Obligation to report when collected outside an approved return company**

Collectors of packaging waste for material recycling must annually report the amount of packaging waste, broken down into the types of packaging specified in § 7-9 a, which in total exceeds 1,500 kg and is not collected as part of an agreement with an approved return company. The reporting must be done to an approved return company or the Norwegian Environment Agency.

The first paragraph does not apply to beverage packaging that is collected through approved return system for inner packaging for beverages cf. waste regulations § 6-4.

0 Added by regulation 23 August 2017 no. 1289 (in force 1 January 2018), amended by regulation 18 May 2022 no. 988.

## **Sections 7-9. Duty to collect, receive and treat packaging waste**

The return company must ensure;

a. Collection of packaging waste from business and municipalities. b.

Accepting packaging waste from collectors provided that the packaging waste is sorted, stored

and forwarded in a responsible manner so that it is suitable for further handling. c. To collect

and receive a reasonable amount of the type of packaging that their members have put on the Norwegian market when it ends up as household and commercial waste.

The collection must take place continuously and throughout the country. The collection obligation applies to the types of packaging for which the return company has approval, regardless of the quality of the waste.

The customs authorities' import and export figures and data from the return company on the manufacturers' domestic production shall be the basis for calculating the amount of waste collected.

The Norwegian Environment Agency can provide further rules on the calculation

basis. d. That packaging waste sorted for material recycling is not used for energy or landfilled, provided that this is not justified based on a balance of environmental considerations, resource considerations and the best available technique.

e. That packaging for hazardous waste is collected and recycled with a high level of security so that dangerous waste does not go astray or cause harm to people, animals or the environment, and that measures are taken to prevent hazardous waste from being collected together with packaging waste. It must also be ensured that hazardous waste that is incorrectly collected is treated properly.

The Norwegian Environment Agency can order return companies to collect or to coordinate collection, if it is necessary to ensure continuous and nationwide collection.

0 Added by regulations 23 Aug 2017 no. 1289 (in force 1 Jan 2018), amended by regulations 1 Dec 2020 no. 2556, 18 May 2022 No. 988, 18 May 2022 No. 1245.

## **Section 7-9a. Duty to recycle packaging waste**

The return company must ensure material recycling of packaging waste. The proportion of packaging waste that is recycled must correspond to at least the following proportion of the weight of packaging that its members have placed on the Norwegian market per year:

a. Up to and including 2024; 30 percent plastic packaging except expanded polystyrene, 50 percent expanded polystyrene, 60 percent packaging cardboard, 65 percent brown paper packaging, 60 percent metal packaging, 60 percent glass packaging and 15 percent wooden packaging. b. From and including 2025; 47 percent plastic packaging, 60 percent packaging cardboard, 80 percent brown paper packaging, 70 percent ferrous metal packaging, 50 percent aluminum packaging, 70 percent glass packaging and 25 percent wooden packaging. c. From and including 2030; 52 percent plastic packaging, 60 percent packaging cardboard, 90 percent brown paper packaging, 80 percent ferrous metal packaging, 60 percent

aluminum packaging, 75 percent glass packaging and 30 percent wooden packaging.

For packaging units that are composed of more than one material, the requirements for material recycling in the first paragraph apply to each type of material in the packaging that makes up 5 percent or more of the packaging's total mass.

The requirements for material recycling of wooden packaging in the first paragraph can be met by repair for reuse of such packaging.

Material recycling shares must be calculated according to the requirements and methods specified in § 7-13. \_\_\_\_\_

0 Added by regulation 18 May 2022 no. 988. \_\_\_\_\_

## § 7-10. *Duty to inform*

The return company must ensure that consumers and businesses receive information about the handling of packaging waste. For each type of packaging for which the return company has approval, at least one information campaign must be carried out each year. The return companies can cooperate on fulfilling this requirement.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

## § 7-11. *Duty to equal treatment*

Anyone who has an obligation to be a member of a return company according to § 7-5 must have access to participate in the return company.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

## § 7-12. *Duty to report and document*

The return company must annually, before 1 April, report to the Norwegian Environment Agency. For each of the packaging types specified in § 7-9a first paragraph, the report must include information on

- a. the members' total weight of packaging placed on the Norwegian market, the distribution between household and commercial waste, and share of sales packaging,
- b. the members' total weight amount of reusable packaging and reusable packaging that is sales packaging placed on the Norwegian market, and the number of cycles for such packaging per year,
- c. weight amount of packaging waste that has been collected and received cf. § 7-9, the distribution between household and commercial waste, and area in the country where the waste is collected, d. material recycling shares, e. weight amount of packaging waste that has been materially recycled cf. § 7-9a, respectively in Norway, \_\_\_\_\_ other EU/EEA countries and outside the EU/EEA area,
- f. weight amount of packaging waste that the return company has arranged for has been used for energy or treated in a different way.

The report must also include g. weight

amount of wooden packaging repaired for reuse, h. weight amount

of material recovered metal packaging sorted from bottom ash in incineration plants, i. for return company for plastic packaging;

number of plastic carrier bags, divided by thickness over and

below 15 micrometres, which the members have put on the Norwegian market.

The return company must ensure that the information mentioned in the first paragraph is accurate and reliable, and must ensure the quality of the information before it is reported. The information must be able to be documented in writing and made available to the supervisory authorities upon inspection or on request.

The reporting under this provision must be done on a form determined by the Norwegian Environment Agency.

The Norwegian Environment Agency can change the reporting obligations for the individual return company.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

### **Section 7-13. Requirements for calculating the material recycling rate**

The material recycling rate is calculated as the ratio between the material recovered by weight of packaging waste and the weight of packaging placed on the market by the members of a return company during one calendar year. The material recycling rate must be calculated for each packaging material, cf. § 7-9a. For packaging units that are composed of more than one material, each type of material in the packaging that makes up 5 percent or more of the packaging's total mass must be included in the calculation of the material recycling rate for this type of packaging material.

When fulfilling the requirements for material recycling for wooden packaging when repaired for re-use cf. § 7-9a third paragraph, the entire packaging unit that is repaired and re-used must be included in the calculation of the weight amount of packaging put on the market and material recovered weight amount of packaging waste.

Recycled packaging, excluding wooden packaging, is considered placed on the Norwegian market in the same year as the packaging is first made available on the market together with the product it is to contain, protect, handle or present.

Material recovered by weight of packaging waste must be measured when the packaging waste, after having undergone the necessary control, sorting and initial operations, a process for material recycling is introduced where packaging waste is actually processed into new material. Alternatively, the material recovered weight amount of packaging waste can be measured when it leaves the process for sorting, provided that the packaging waste is later materially recovered, and that all losses that occur before the material recovery process are deducted.

For packaging waste materials and material recycling processes specified in Annex II letter A, the measurement points indicated in the appendix are to be used as a basis for calculating the material recovered by weight of waste.

Material recovered by weight of metal packaging after sorting from bottom ash i incinerators must be calculated according to the method specified in Annex II letter B.

If the moisture content of the packaging waste differs from the moisture content of the corresponding packaging that is placed on the market, the amount of packaging at the measuring point for material recovered weight amount of packaging waste must be corrected to reflect the packaging waste's natural moisture content, which corresponds to the moisture content of similar packaging that is placed on the market.

Material recovered by weight of packaging waste shall not include materials other than packaging materials that are collected together with the packaging waste.

If packaging waste materials are added to a recycling process where the waste is both materially recovered and used for the production of energy or materials to be used as fuel or fillers, the recovered weight of packaging waste must be calculated according to a mass balance system.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

**Section 7-14. Requirements for approval**

The return company must be approved by the Norwegian Environment Agency.

In order to be approved, the return company must prove to the Norwegian Environment Agency that it will establish a return company that will be able to fulfill the requirements in § 7-9 to § 7-14a of this chapter.

The Norwegian Environment Agency can withdraw a return company's approval if the return company does not comply with § 7-9 letter c or has repeated or extensive breaches of requirements in § 7-9 to § 7-14a of this chapter. In the event of withdrawal of approval, the return company must treat packaging waste already received in accordance with the requirements in this chapter.

In the first two years after an approval has been granted, the return company must document fulfillment of the obligations in section 7-9 first paragraph and section 7-9a at least twice within each calendar year, with at least a five-month interval or by agreement with the Norwegian Environment Agency.

0 Added by regulation 23 Aug 2017 no. 1289 as amended by regulation 23 Aug 2017 no. 1302 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

**Section 7-14a. Obligation to have financial reserves**

The return company must at all times have financial reserves for at least six months of operation, which ensures that the company can fulfill the obligations in this chapter for its members.

0 Added by regulation 18 May 2022 no. 988.

**Section 7-14b. Obligation to cover the costs of a packaging register**

Return companies cf. § 7-14 must cover the costs of a register which must a. receive updated data from the return companies about their members, including their members' contact information and organization number,

b. obtain data from the Directorate of Customs on importers of packaging and packaged products and quantities of imported packaging and packaged products,

c. identify businesses that do not fulfill their obligation to be a member of a return company

according to section 7-5.

The costs must be distributed among the return companies based on their members' share of the total amount of new packaging placed on the market.

The Norwegian Environment Agency determines the amount of the fee for each return company, and can make further provisions on the payment. The return company must pay the fee to the Norwegian Environment Agency according to the invoice. Amounts paid in must go in their entirety to cover the costs of the packaging register.

0 Added by regulation 18 May 2022 no. 988.

**Section 7-15. Supervision**

The Norwegian Environment Agency supervises that the provisions in this chapter and decisions made in the provisions of this chapter are complied with.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017).

## Section 7-16. Fee

When applying for approval or changing approval, the return company must pay a fee to the Treasury for the Environmental Directorate's proceedings.

The Norwegian Environment Agency may charge a fee when inspections are carried out in accordance with this chapter.

The Norwegian Environment Agency determines the fee rates according to the first and second paragraphs. When special reasons exist, the Norwegian Environment Agency can reduce or waive the fee in accordance with this provision.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

# Appendix I. Basic requirements for the composition of the packaging and the possibility of reuse and recycling

## 1. Requirements for the production of packaging and its composition

- When producing packaging, volume and weight must be limited to the minimum required to ensure the necessary level of safety, hygiene and acceptance with regard to the packaged product and for the consumer.
- Packaging must be designed, produced and marketed in such a way that it can be reused or recycled, including material recovery, and that its environmental effects are reduced to a minimum when disposing of the packaging waste or residual products from the handling of the packaging waste.
- When manufacturing packaging, it must be ensured that the content of the packaging material and its components of harmful substances and materials and other dangerous substances that occur in emissions, ash or leachate from the incineration or disposal of packaging and residual products from the handling of packaging waste are reduced to a minimum.

## 2. Requirements for reuse of packaging

The following requirements must be met at the same time: - the physical properties and characteristics of the packaging must ensure that it can be reused several times under normally predictable conditions of use, - used packaging must be able to be processed in accordance with the requirements for the health and safety of employees, - packaging must meet the requirements for recyclable packaging when it is no longer reused and becomes waste.

## 3. Requirements for recycling packaging

### a. Recycling by material recycling

Packaging must be produced in such a way that a certain percentage by weight of the materials used can be recycled for the production of salable products in accordance with current community standards. The percentage may vary according to the type of packaging material. b. *Energy utilization*

Packaging waste that is incinerated with energy utilization must have a minimum lower calorific value to ensure optimal energy utilization. c. *Recycling*

### by composting

Packaging waste that is

treated for composting must be sufficiently biodegradable so that it does not hinder separate collection or the composting process.

### d. Biodegradable packaging

Biodegradable packaging waste must be able to be broken down physically, chemically, thermally or biologically so that the majority of the compost is eventually broken down into carbon dioxide, biomass and water. Oxo-degradable plastic packaging shall not be considered biodegradable packaging.

0 Added by regulation 23 Aug 2017 no. 1289 (in force 1 Sep 2017), amended by regulation 18 May 2022 no. 988.

## Appendix II. Requirements for calculating the amount of material recovered from packaging waste A. Measuring points that apply to certain packaging waste materials

Packaging material	Measuring point/Calculation point	Glass
Sorted glass that does not undergo further processing before being fed into a glass furnace or before being used for the production of filter media, abrasives, fiberglass insulation and building materials.		
Metals	Sorted metal that does not undergo further processing before being fed into a melting furnace or blast furnace.	
Paper/cardboard	Sorted paper that does not undergo further processing before being fed into a pulp process.	
Plastic	Plastics, sorted by polymer, that do not undergo further processing before entering pelletizing, extruding or forming operations.  Plastic flakes that do not undergo further processing before being used in a final product.	
Three	Sorted wood that does not undergo further processing before it is used for the production of chipboard or other products. Sorted wood entering a composting operation.	
Textiles	Sorted textiles that do not undergo further processing before being used for the production of textile fibres, cloths or granules.	
Composite packaging and packaging consisting of several materials	Plastic, glass, metal, wood, paper and cardboard as well as other materials resulting from the processing of composite packaging or of packaging consisting of several materials, which do not undergo further processing before they reach the calculation point determined for the specific material.	

## B. Method for calculating the amount of material recovered from metal packaging after sorting from bottom ash in incineration plants

1. The following definitions shall apply in connection with the formulas in this appendix:

$m_{total\ IBA\ Fe/Al}$	the total mass of ferrous metals or aluminum in the bottom ash from waste incineration in a given year, the
$n_{Fe\ concentrates\ ferrous}$	mass of concentrate of ferrous metal or concentrate of non-ferrous metal that is sorted out from untreated bottom ash from waste incineration in a given year,
$c_{IBA\ Fe/Al}$	concentration of ferrous metals or aluminum in the respective metal concentrates, the mass of
$m_{IBA\ Fe/Al}$	ferrous metals or aluminum in the ferrous metal concentrate or in the non-ferrous metal concentrate sorted out from the bottom ash from waste incineration in a given year, the mass of non-metallic material
$m_{non\ metallic}$	in a specific concentrate of ferrous metals or aluminium, the proportion of aluminum in non-ferrous
$r_{Al}$	metals included in non-

	ferrous concentrate that is sorted out from the bottom ash from waste incineration,
mPW Fe/Al	the mass of ferrous metals or aluminum from packaging waste entering an incineration operation in a given year, the mass of all
mW Fe/Al	ferrous metal or aluminum entering an incineration operation in a given year, the mass of material recovered
mPW IBA Fe/Al	ferrous metal or aluminum from packaging waste in a given year .

2. After sorting out ferrous/non-ferrous concentrate from untreated bottom ash from waste incineration, the content of ferrous metals/aluminium in the metal concentrate must be calculated using the following formula:

$$m_{\text{total IBA Fe/Al}} = m_{\text{IBA Fe/nFe concentrates}} \cdot c_{\text{IBA Fe/Al}}$$

3. Data on the mass of ferrous/non-ferrous metal concentrates must be obtained from plant that sorts out metal concentrates from untreated bottom ash from waste incineration.
4. The concentration of ferrous metals and aluminum from the treatment of untreated bottom ash from waste incineration must be calculated using the following formulas based on data collected through regular surveys from facilities that process metal concentrates, as well as from facilities that use metals that are sorted out from the bottom ash from waste incineration, for the production of metal products:
- a. For ferrous metals:

$$C_{\text{IBA Fe}} = \frac{m_{\text{IBA Fe}}}{m_{\text{IBA Fe concentrates}}} = \frac{m_{\text{IBA Fe concentrates}} \cdot \bar{c}_{\text{non-metallic}}}{m_{\text{IBA Fe concentrates}}}$$

- b. For aluminium:

$$C_{\text{IBA Al}} = \frac{m_{\text{IBA Al}}}{m_{\text{IBA nFe concentrates}}} = \frac{(m_{\text{IBA nFe concentrates}} \cdot \bar{c}_{\text{non-metallic}}) \cdot r_{\text{Al}}}{m_{\text{IBA nFe concentrates}}}$$

5. The mass of materially recovered ferrous metal/aluminium from packaging waste in all materially recovered ferrous metal/aluminium that is sorted out from the bottom ash from waste incineration shall be determined through random sample examinations of the waste that enters the incineration operation. These investigations must be carried out at least every five years and when there is reason to assume that the composition of the incinerated waste has changed significantly. The mass of ferrous metals/aluminium from packaging waste must be calculated using the following formula:

$$m_{\text{PW IBA Fe/Al}} = \frac{m_{\text{PW Fe/Al}}}{m_{\text{W Fe/Al}}} \cdot m_{\text{total IBA Fe/Al}}$$

0 Added by regulation 18 May 2022 no. 988.

## Chapter 8. Refund of tax on hydrofluorocarbons (HFCs) and perfluorocarbons (PFKs)

Established on the basis of Act 11 June 1976 No. 79 on the control of products and consumer services (the Product Control Act)

Section 4.

0 Chapter 8 added by regulation 30 June 2004 no. 1060 (in force 1 July 2004).

### **Section 8-1. Purpose**

The purpose of the provisions in this chapter is to reduce emissions to the environment of hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs).

### **Section 8-2. Actual scope**

The provisions in this chapter include HFCs and PFCs as mentioned in regulation 11 December 2001 no. 1451 on excise duties § 3-18-1 first paragraph, regardless of whether the substances occur as pure products, are part of mixtures or are part of other products.

The provisions in this chapter do not apply to PFC that is formed during the production of aluminium.

### **Section 8-3. Right to payment**

A refund is paid for the amount of HFCs and PFCs that have been delivered to an approved destruction facility for destruction. The refund rates will be equal to the current differentiated tax rates for the tax on HFK and PFC at the time of submission, cf. the Storting's annual tax resolution and regulation 11 December 2001 no. 1451 on special taxes § 3-18-2.

The right to a refund expires if the waste is not stored at the destruction facility for inspection for at least two weeks after the application for a refund has been submitted. The right to a refund also expires if, during this period, the waste is not marked with who delivered the waste, or if the waste is not marked with a reference to a certificate of analysis.

The Norwegian Environment Agency can lay down detailed rules for the payment of refunds in cases where HFCs and PFC waste is exported.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

### **Section 8-4. Application**

An application for reimbursement can be submitted by the person who has delivered HFK and PFC to destruction facilities. The application is submitted to the Norwegian Environment Agency or whoever is determined by the Norwegian Environment Agency.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

### **Section 8-5. Documentation requirements**

The application must contain results from a representative analysis sample that shows the quantities and types of HFCs and PFCs delivered to destruction facilities. The analysis must be carried out in accordance with the Norwegian Standard, or an equivalent method, by an independent third party accredited to carry out HFC and PFC analysis.

The application must also contain documentation showing that the quantity of HFCs and PFCs for which reimbursement is sought has been delivered to destruction facilities.

If the application concerns HFC waste that is subject to declaration in accordance with Chapter 11 § 11-12, a copy of the declaration form must be attached to the application.

The Norwegian Environment Agency can lay down further rules on requirements for documentation.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

### **Section 8-6. The payout**

The payment is made by the Norwegian Environment Agency, or whoever the Norwegian Environment Agency determines.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

### **Section 8-7. Transitional provisions**

Reimbursement can only be claimed for HFK and PFK that have been delivered to destruction facilities for destruction after the entry into force of these regulations.

Until a Norwegian Standard as mentioned in § 8-5 exists, the analysis methods must be approved by the Norwegian Environment Agency.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

## **Chapter 9. Disposal of waste**

Authority: Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (pollution act) § 9, § 11, § 12, § 16, § 20 and § 31.

EEA references: EEA Agreement Annex XX No. 32d (Directive 1999/31/EC amended by Decision 2003/33/EC and Directive (EU) 2018/850).

### **Section 9-1. Purpose**

The purpose of the provisions in this chapter is to ensure that disposal of waste takes place in a responsible and controlled manner so that harmful effects on the environment and human health are prevented or reduced as far as possible.

### **Section 9-2. Scope**

The provisions in this chapter apply to all landfills, including internal landfills where a the waste producer himself is responsible for waste disposal at the production site. Annex II to this chapter also applies to the waste producer.

The provisions in this chapter also apply to facilities where waste is stored, if the storage period is more than one year before the waste goes to final treatment, or more than three years before the waste goes to recycling or treatment.

However, the provisions in this chapter do not apply to: a. use of suitable inert waste for terrain regulation and rehabilitation, filling or construction purposes  
in landfills b.

deposition of non-contaminated soil c. deposition  
of mud masses along rivers, lakes, fjords and straits where they have been extracted. This

assumes that the masses cannot be characterized as hazardous waste  
d. redeposition and isolation of contaminated soil at the same location as it was excavated from e. deposition of radioactive waste f. deposition and collection of mineral waste as defined in section 17-3 letter a.

0 Amended by regulations 3 Oct 2006 no. 1180 (in force 1 Jan 2007), 1 Nov 2010 no. 1394 (in force 1 Jan 2011), 15 June 2012 No. 542, 21 Oct 2022 No. 1776.

### Section 9-3. Definitions

- In this chapter, a. waste means :
- movable objects and substances which, in accordance with Section 27 of the Pollution Act, must be considered as waste,
- b. *hazardous waste*: waste which according to § 11-2 must be classified as dangerous, c. *explosive waste*: waste which can explode when exposed to flame, and which is more sensitive to impact or rubbing than dinitrobenzene, d. *radioactive waste*: radioactive waste in accordance with § 2 letter ci regulation 1 November 2010 no. 1394 on the application of the Pollution Act to radioactive pollution and radioactive waste,
- e. *infectious waste*: waste containing viable micro-organisms or their toxins which are known or believed to be able to cause disease in humans or other living organisms,
- f. *ordinary waste*: any waste not covered by the letters be, g. *inert waste*: waste that does not undergo any significant physical, chemical or biological transformation. Inert waste will not dissolve, burn or otherwise react physically or chemically, it is not biodegradable and does not harm other substances it comes into contact with in a way that could cause pollution of the environment or be harmful to human health. The waste's total leaching characteristics and content of pollutants and the ecotoxicity of the leachate must be negligible, and above all not represent any danger to the quality of surface water and/or groundwater,
- h. *landfill*: facility for the final treatment of waste by permanent disposal on or below the ground,
- i. *treatment*: the physical, thermal, chemical or biological processes, including sorting, which change the properties of the waste with the aim of reducing its volume or the danger it represents, making it easier to handle or easier to recycle,
- j. *biodegradable waste*: any waste that can undergo an anaerobic or aerobic decomposition, for example food and garden waste, paper, cardboard and wood, k. *liquid waste*: waste in liquid form, l. *leachate*: any liquid that is filtered through the deposited waste, and which is discharged from a landfill or remains in it,
- m. *landfill gas*: all gas that forms in the deposited waste, n. *waste producer*: the person who generates the waste or anyone who through pretreatment, mixing or in other ways changes the nature or composition of the waste. The municipality must be considered a waste producer for collected household waste that is delivered to landfill,
- o. *operator*: the natural or legal person who is responsible for the landfill, p. *pollution authority*: The state administrator is the pollution authority for landfills according to this chapter, with the following exceptions:
1. The Norwegian Environment Agency is the authority for landfills for hazardous waste, cf. § 9-5 letter a
  2. The Norwegian Environment Agency is the authority for internal company landfills when the company's primary activity requires a permit from the Norwegian Environment Agency under the Pollution Act,
- q. *final treatment*: any form of waste treatment that is not recycling, r. *recycling*: any measure where the main result is that waste is useful by replacing materials that would otherwise be used, or that waste has been prepared for this,
- s. *separate collection*: collection of waste where a waste stream is kept separate by type and species to facilitate the conditions for a special treatment,

t. *stable, non-reactive hazardous waste*: hazardous waste that is stable and has a leaching potential that will not deteriorate in the long term under normal landfill conditions or in the event of foreseeable accidents,

u. *lightly contaminated masses*: masses that meet the leaching criteria in Annex II table 2.1.1 and 2.1.2.

0 Amended by regulations 3 Oct 2006 no. 1180 (in force 1 Jan 2007), 27 June 2008 no. 741 (in force 1 July 2009), 21 June 2010 no. 1073, 1 Nov 2010 no. 1394 (in force 1 Jan 2011), 15 March 2013 no. 284 (in force 1 July 2013), 14 Dec 2020 no. 3341 (in force 1 June 2021), 21 Oct 2022 no. 1776.

## Section 9-4. *Ban on depositing certain types of waste*

The following types of waste are not permitted to be

deposited: a. biodegradable waste, with the exception of waste where the total organic carbon (TOC) does not exceed 10% or where the loss on ignition does not exceed 20%. It is still permitted to deposit:

1. street litter 2.

contaminated soil and contaminated mud masses 3. sieve

material, sieve material and sand capture waste from sewage treatment

plants 4. sewage sludge that does not meet the quality requirements for fertilizer products.

The pollution authority can in special cases allow the disposal of other biodegradable waste. b. liquid waste. It is nevertheless

permitted to temporarily store metallic mercury in facilities above ground level that are specially designated for and suitable for the purpose if the permit expressly allows for this, c. waste that under the conditions in a landfill must be

considered explosive, corrosive, oxidizing, highly flammable or flammable cf. appendix 2 to chapter 11 on hazardous waste, d. infectious waste from hospitals and other medical or veterinary medical

activities, and waste from research and development or teaching that contains chemical substances that are unknown and/or are new and where the effects on humans and environment is not known,

e. whole discarded tires and shredded discarded tires, with the exception of bicycle tires, f.

any other type of waste that does not meet the criteria for receiving waste, cf. appendix II to this chapter,

g. industrial batteries and lead batteries, with the exception of residues after treatment and recycling of such batteries,

h. waste that is separately collected for preparation for reuse or material recycling.

The ban does not cover waste from the subsequent treatment of the separately collected waste if disposal is the best environmental solution for this waste.

It is forbidden to dilute or mix the waste solely for the purpose of meeting the criteria for reception.

The following waste is prohibited from being deposited in underground landfills:

a. waste and waste containers that can react under the chemical and physical conditions so that it can lead to: -

change in volume, -

other reactions that can pose a danger to operational safety and/or weaken the whole in the barrier.

b. waste that is biodegradable, c. waste that

has a strong smell, d. waste that

can produce a toxic or explosive mixture of gas and air. In closed

containers, the content of explosive gas must not exceed 10% of the concentration corresponding to the lower explosion limit,

e. waste that does not have sufficient stability to comply with the geotechnical conditions, f. waste that is self-igniting or can self-ignite under the prevailing disposal conditions,

gaseous products, volatile waste, unidentified mixtures of waste.

0 Amended by regulations 3 Oct 2006 no. 1180 (in force 1 Jan 2007), 27 June 2008 no. 741 (in force 1 July 2009), 1 Nov 2010 no. 1394 (in force 1 Jan 2011), 24 Oct 2012 no. 989, 14 Oct 2013 no. 1237, 9 Sep 2015 no. 1042 as amended by regulation 15 Dec 2015 no. 1697 (in force 1 Jan 2016) , 21 Oct 2022 no. 1776.

#### **Section 9-5. Categories of landfills**

Every landfill must be classified in one of the following categories:

- a. category 1: landfills for hazardous waste,
- b. category 2: landfills for ordinary waste,
- c. category 3: landfills for inert waste and lightly polluted masses.

0 Amended by regulation 3 Oct 2006 no. 1180 (in force 1 Jan 2007), 21 Oct 2022 no. 1776.

#### **Section 9-6. Waste that is allowed to be deposited in the various landfill categories**

All waste must be treated before disposal, cf. § 9-3 letter i, unless treatment cannot promote economically profitable recycling measures and reduce the health and environmental damage associated with the waste.

Only hazardous waste and waste that meets the pollution authority's criteria for disposal of hazardous waste, is allowed to be deposited at landfills for hazardous waste.

Landfills for ordinary waste can be used for a.

- ordinary waste that meets the pollution authority's criteria for receiving waste at landfills for ordinary waste,
- b. stable, non-reactive hazardous waste with leaching properties similar to ordinary ones the types of waste mentioned under letter a. This hazardous waste must not be deposited together with biodegradable waste.

Landfills for inert waste and lightly contaminated masses must only be used for inert waste and light contaminated masses. The acceptance criteria in Annex II number 2.1 must be met.

0 Amended by regulations 3 Oct 2006 no. 1180 (in force 1 Jan 2007), 21 Oct 2022 no. 1776.

#### **Section 9-7. Requirements for a permit**

Whoever is to operate a landfill for waste must have a permit in accordance with the Pollution Act.

Permission for landfilling shall not be granted unless the landfill can satisfy all relevant requirements in this chapter with annexes.

#### **Section 9-8. Application for permission**

An application for permission to operate a landfill according to § 9-7 must at least contain information about a. the identity of the applicant, the landowner and the operator, b. an indication of the types and the total annual amount of waste to be deposited, c. estimated total fill volume for the landfill , d. description of the location and affected properties, map and map information, as well as information on hydrogeological and geological conditions, e. proposed methods for the prevention and reduction of pollution,

f. proposal for a plan for operation, monitoring and control, g. proposal for a plan for termination and post-operation, h. assessment of the need for an impact assessment, cf. regulation 21 May 1999 no. 502 on impact assessments according to the Planning and Building Act chapter VII-a, i. proposal for financial security or equivalent security, cf. section 9-10 first paragraph.

0 Amended by regulation 21 Oct 2022 no. 1776.

### **Section 9-9. Content of the permit**

A permit to operate a landfill must at least contain a. the landfill's category, cf. § 9-5, b. a list of the types and total amount of waste that is allowed to be deposited, c. the requirements the landfill must meet with regard to processing, operation and procedures for control and monitoring, cf. appendices I and III to this chapter, as well as preliminary requirements regarding closure and subsequent operation of the landfill, d. further information about the applicant's duty to report to the pollution authority, cf. § 9-13, e. requirement for a satisfactory financial guarantee or equivalent security, cf. section 9-10 first paragraph. f. criteria for receiving waste, cf. appendix II to this chapter. The pollution authority can determine stricter acceptance criteria or more relaxed acceptance criteria in the landfill's permit where decision 2003/33/EC allows for this.

0 Amended by regulation 3 Oct 2006 no. 1180 (in force 1 Jan 2007).

### **Sections 9-10. Financial security and cost coverage**

Every landfill must have satisfactory financial security or equivalent security to ensure that the obligations resulting from the permit, including the closure and post-operation procedure required under § 9-15, can be fulfilled.

All costs for construction and operation of a landfill must be covered by the price that the operator charges for depositing waste at the landfill. This also applies to the cost of the security as mentioned in the first paragraph and the estimated costs of closure and subsequent operation of the landfill for a period of at least 30 years.

0 Amended by regulation 21 Oct 2022 no. 1776.

### **§ 9-11. Reception of waste**

When waste is received at a landfill, there must be documentation that the waste meets the requirements the criteria for waste quality that appear in the landfill's permit. From 1 January 2007, the waste producer must document that the waste meets the quality requirements set out in Annex II to this chapter. From 1 July 2007, the operator must operate in accordance with the acceptance criteria set out in Appendix II to this chapter. Waste that does not meet the criteria for reception at the landfill must be rejected.

The operator must ensure that an inspection is carried out when waste is received for disposal on site in accordance with Annex II to this chapter or the landfill's permit.

The Norwegian Environment Agency can determine that information from basic characterization and verification that must accompany the waste must be given on an approved form.

0 Amended by regulations 3 Oct 2006 no. 1180 (in force 1 Jan 2007), 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

### **§ 9-12. Registration**

A register must be kept of the quantities of waste deposited and its characteristics, including indication of origin, delivery date, the identity of the waste producer, and the exact place of disposal if it is hazardous waste. This information must be made available to the national statistics authority and the EU if this is requested for statistical purposes. The information must be kept for 10 years.

0 Amended by regulation 3 Oct 2006 no. 1180 (in force 1 Jan 2007).

### **§ 9-13. Reporting**

The operator is obliged to report to the pollution authority at least once a year types and amounts of deposited waste and about the results of the monitoring program determined in accordance with § 9-14 and § 9-15 and Annex III to this chapter.

### **§ 9-14. Control and monitoring in the operational phase**

In the operational phase, a control and monitoring program must be carried out as specified in the permit, cf. Appendix III to this chapter.

The operator must notify the pollution authority of any significant adverse effect on the environment revealed by the control and monitoring procedures.

Sampling and analysis must be carried out according to recognized methods.

### **§ 9-15. Closing and follow-up**

Upon closure of a landfill, or a limited part of it, the obligation to report etc. in accordance with with Section 20 of the Pollution Act.

A landfill, or part of it, can only be considered finally closed if the pollution authority has carried out a final inspection on the site, and has found that the conditions for closure have been met. This does not reduce the operator's responsibility in relation to the conditions of the permit.

When a landfill is finally closed, the operator must ensure maintenance, monitoring and control in the post-operation phase in accordance with Annex III to this chapter. The operator must notify the pollution authority of any significant adverse effect on the environment that is revealed by the control and monitoring procedures.

### **§ 9-16. Existing landfills**

The operator must submit a plan to the pollution authority by 1 May 2003 for closure or an upgrade plan for the landfill in the form of a new application, cf. § 9-8. It must be stated which measures are required to bring the landfill into compliance with this chapter's requirements, as well as a timetable for implementation.

The pollution authority must decide whether an existing landfill is allowed to be operated on the basis of the presented upgrade plan, or whether it must be closed as soon as possible in accordance with § 9-8 letter g and § 9-15. By 16 July 2009 at the latest, all landfills must be operated in accordance with the requirements of this chapter.

By 16 July 2003, the provisions in § 9-4, § 9-5 and § 9-11 as well as Annex II to this chapter to be applied to landfills for hazardous waste.

By 16 July 2004, the provision in section 9-6 shall apply to landfills for hazardous waste.

For the waste producers, the criteria in Annex II to this chapter, as it reads after the amendment of 3 October 2006, come into force from 1 January 2007. For the operator of the landfills, the criteria in Annex II shall come into force on 1 July 2007.

0 Amended by regulation 3 Oct 2006 no. 1180 (in force 1 Jan 2007).

## Appendix I. General requirements for all categories of landfills

### 1. Control and monitoring

In order to satisfy the requirement for procedures for control and monitoring at a landfill, as a general rule, weight must be required, if this is not considered unreasonable or obviously unnecessary.

### 2. Water control and leachate management

On the basis of the characteristics of the landfill and the meteorological conditions on site, the necessary measures must be taken

to a. control the ingress of rainwater into the landfill, b. prevent the ingress of ground or surface water into the landfill, c. collect contaminated water and leachate, d. treat contaminated water and leachate that is collected if necessary to achieve required emission quality.

These provisions can be waived at landfills for inert waste.

### 3. Protection of soil and water

- 3.1. Any landfill must be located and designed in such a way that contamination of soil, groundwater and surface water is prevented, and that an efficient collection of leachate is ensured in cases where this is required. The protection of soil, groundwater and surface water can be ensured with a combination of geological barrier and bottom membrane in the operation phase, and with a combination of geological barrier and top membrane in the post-operation phase.
- 3.2. A geological barrier exists when the geological and hydrogeological conditions under and in the vicinity of a landfill have sufficient retention capacity to prevent the risk of contamination of soil and groundwater.

The bottom and sides of the fill must consist of a mineral layer that meets the following requirements for permeability and

thickness: - landfill intended for hazardous waste:  $K \leq 1.0 \times 10^{-9}$  m/s, thickness  $\geq 5$  m, - landfill intended for ordinary waste:  $K \leq 1.0 \times 10^{-8}$  m/s, thickness  $\geq 1$  m, - landfill designed for inert waste:  $K \leq 1.0 \times 10^{-9}$  m/s, thickness  $\geq 1$  m, or otherwise provides equivalent protection of soil, groundwater and surface water.

If the natural geological barrier on the site does not meet the above conditions, it can be artificially supplemented or strengthened in another way that provides equivalent protection. A constructed geological barrier must have a thickness of at least 0.5 m.

- 3.3. At landfills for hazardous waste and ordinary waste, an artificial sealing membrane and a drainage layer with a thickness of at least 0.5 m must be established in addition to the geological barrier mentioned in section 3.2 in order to collect and limit the accumulation of leachate in the landfill to the greatest extent possible .

Requirements can be set for top sealing if it is considered necessary to prevent leachate formation.

- 3.4. If an environmental risk assessment, cf. directive 80/68/EEC, indicates<sup>2</sup> that it is not necessary to collect and treat the leachate, or that the landfill poses no possible danger to soil, groundwater and surface water, the requirements in no. 2 letter c, 3.2 and 3.3 above.

#### 4. Gas control

- 4.1. Measures must be taken to control the accumulation and leakage of landfill gas.
- 4.2. Landfill gas must be collected at all landfills that accept biodegradable waste, and the gas must be treated. If the gas is not used for energy, it must be flared. The collection, treatment and utilization of landfill gas must be carried out in a way that does not cause health or environmental hazards.

#### 5. Local environment, etc.

Measures must be taken at the landfill to limit to a minimum inconveniences and dangers resulting from - odor and dust emissions, - flying debris, - noise and traffic, - birds, pests and insects, - aerosol formation.

#### 6. Stability

The placement of the waste at the landfill must be done in such a way that the stability of the waste mass and associated structures is ensured, particularly to prevent slippage. If an artificial barrier is established, it must be ensured that settlement damage is avoided in this.

#### 7. Termination

The landfill must be adequately secured to prevent free access and illegal dumping on the site.

#### 8. Temporary storage of metallic mercury

The following requirements shall apply to temporary storage of metallic mercury for more than one year:

- Metallic mercury shall be stored separately from other waste and under cover.
- The containers must be stored in collection basins that hold the entire stored amount of mercury. The pools must have a suitable coating that prevents cracks or holes from forming, and makes them impermeable to metallic mercury.
- The storage site must be equipped with constructed or natural barriers that are sufficient to protect the environment against emissions, and have a volume corresponding to the total amount of stored mercury.
  
- The storage site's substrate must be covered with mercury-resistant material. There must be a slope towards a collection well.
- The storage location must be equipped with a fire protection system.
- Storage must be organized so that all containers are easily accessible.

<sup>0</sup> Amended by regulation 14 Oct 2013 no. 1237.

<sup>1</sup> K = the hydraulic conductivity of the mineral layer measured in pr. second (m/s).

<sup>2</sup> OJ L 20 of 26 January 1980, p. 43. The directive was last amended by Directive 91/692/EEC (OJ L 377 of 31

December 1991, p. 48).

## Appendix II. Characterization and criteria for receiving waste

The purpose of Annex II is that the waste's composition, leaching potential, environmental effects and other properties that are important for the landfill in the short and long term must be known to the greatest extent possible before disposal. 1.

### *Procedures for characterizing and receiving waste*

#### 1.1. *Basic characterization*

The waste producer must ensure that a basic characterization of the waste before disposal takes place. For the basic characterization, the following must be documented:

- a. The waste producer's name and organization number. The municipality must be considered a waste producer for collected household waste.
- b. Information about how the waste is generated and about the raw materials used, unless this appears from the waste code (see point f).
- c. Information on which treatment of the waste has been carried out to fulfill § 9-6 of these regulations or an explanation of the reasons why such treatment is not considered necessary.
- d. Data on the waste's composition and leaching potential in both column tests and shaking test.
- e. The smell, color and physical form of the waste.
- f. Waste code according to the European waste list and waste substance number according to current Norwegian standard on the classification of waste. The waste code is reproduced as appendix 1 to chapter 11 on hazardous waste in these regulations.
- g. The dangerous properties (cf. appendix 2 to chapter 11 on hazardous waste in this the regulation) which has been assessed as a basis for classifying a waste as non-hazardous. If the waste is entered in the European waste list with waste codes for both hazardous and non-hazardous waste (mirror entries), it must be documented which classification the waste should have.
- h. Confirmation that the waste is not covered by the prohibitions in § 9-4 of these regulations. Information on which landfill categories the waste can be deposited at, cf. § 9-5 of these regulations.
- j. Any additional precautions that the landfill must take when handling the waste.
- k. Possibilities for recycling the waste.

For waste that is regularly produced in the same processes, the basic characterization must also document:

- i. Whether the waste consists of a mixture of different materials, and if so the mixing ratio between these materials and how much the mixing ratio can vary.
- ii. A description of how leaching potential, smell, color and physical form vary, and how great this variation is.
- iii. Information on which parameters are to be used for verification and how often the verification must take place.

The waste producer must keep the report from the basic characterization, including relevant analysis evidence, as long as the waste is delivered for disposal, and then for at least 10 years.

The waste producer must ensure that a summary of the basic characterization is delivered to the operator at all landfills where the waste is deposited. The operator must keep a copy of the summary throughout the lifetime of the landfill, including the post-operation phase.

#### 1.2. *Requirements for testing*

Information on the composition of the waste and leakage potential must be substantiated when testing. Testing is nevertheless not required if at least one of the following conditions is met:

a. The

waste originates from one and the same source and is classified as inert waste in one of the following waste codes:

<b>Code in</b>	<b>Description</b>	<b>Restrictions</b>
<b>European waste list<sup>e 1</sup></b>		
10 11 03	Glass fiber waste	Only without organic binders
15 01 07	Glass packaging	
17 01 01	Concrete	Only sorted construction and demolition waste
17 01 02	Brick	Only sorted construction and demolition waste
17 01 03	Roof tiles and ceramics	Only sorted construction and demolition waste
17 01 07	Mixtures of concrete, brick, roof tiles and ceramics	Only sorted construction and demolition waste
17 02 02	Glass	
17 05 04	Soil and stone	Excluding topsoil with a high organic content and masses from contaminated ground
19 12 05	Glass	
20 01 02	Glass	Only separately collected glass
20 02 02	Soil and stone	Only from garden and park waste. Excluding topsoil with a high organic content and masses from contaminated ground

<sup>1</sup> The waste regulations, chapter 11 on hazardous waste, appendix I.

If it is suspected that the waste is contaminated so that the limit values in 2.1 can be exceeded, the waste must be tested. b. All

necessary information for the basic characterization is well known justified.

c. It will not be practically possible to carry out sampling and/or analysis of it relevant waste, there are no suitable test procedures and/or there are no acceptance criteria. If this exception is to be used, documentation must be provided that the conditions have been met and it must be documented in another way that the waste can be deposited in a waste landfill of the relevant category. d. The waste is ordinary waste and must be deposited at a landfill for ordinary waste. This does not apply to ordinary waste that must be deposited together with stable non-reactive hazardous waste, or if it is suspected that the waste may contain hazardous waste.

The waste producer must nevertheless provide testing that documents that the waste is not covered by the prohibition in § 9-4 first paragraph letter ae

Stable non-reactive asbestos waste that does not contain hazardous substances other than bound asbestos can be deposited at a landfill for ordinary waste without testing.

### 1.3. *Verification of waste that is produced regularly*

If the waste occurs regularly, the waste producer must ensure that the waste is verified. The verification must show that the waste's properties are in accordance with the results of the basic characterization.

The verification shall include checking selected critical parameters that were determined in the basic characterization, including testing of leakage potential.

The waste producer must ensure that the methods used in the testing are the same as was used in the basic characterization.

Waste that is exempt from requirements for testing during the basic characterization is also exempt from testing to verification. The waste must nevertheless be examined in another way in order to verify that this is in accordance with the information in the basic characterization.

Verification must be carried out at least once a year or more frequently if it appears from the basic characterization.

The waste producer must keep verification reports and proof of analysis at least until until the report from the next verification is available.

The waste producer must ensure that information is provided on the most recently carried out verification when delivering waste to the landfill.

#### 1.4. *Control on the spot*

The operator decides whether the waste can be deposited at the landfill on the basis of submitted documentation from the waste producer. The operator must ensure that each load with waste delivered for disposal is visually inspected before and after unloading. If the waste producer is also responsible for operations, this control can be carried out when uploading.

If a waste delivery must be rejected because the waste does not meet the criteria for reception, the operator must notify the pollution authority.

The operator must ensure that random samples are taken of at least 1 in every 100 waste delivery at the landfill. The random samples must be kept for at least 1 month. The random samples must be tested to show that the waste is in accordance with the information that appears from the documentation. For waste that is produced regularly, at least the same parameters used in the verification are tested. Waste that is exempt from requirements for testing during the basic characterization are also exempt from testing during the control of random samples. In that case, the waste must be examined in another way to check that it is in compliance with the information in the basic characterization.

The operator must ensure that a record is kept of the random samples (see also § 9-12). The journal with copies of the analysis reports must be kept for at least 1 year. The demand for random samples do not apply to internal company landfills.

#### 2. *Criteria for receiving waste*

##### 2.1. *Criteria for receiving waste at a landfill for inert waste*

##### 2.1.1. *Limit values for leakage potential*

Lightly contaminated masses that are accepted at landfills for inert waste cannot exceed the following limit values for leakage potential:

<b>Parameter</b>	<b><i>L/S = 10 l/kg wood shake test with particle size &lt; 4 mm mg/kg dry matter</i></b>	<b><i>C (L/S = 0.1 l/kg) by column test mg/l</i></b>
Arsenic (As)	0.5	0.06
Barium (Ba)	20	4
Cadmium (Cd)	0.04	0.02
Chromium (Cr) total	0.5	0.1
Copper (Cu)	2	0.6
Mercury (Hg)	0.01	0.002

Molybdenum (Mo)	0.5	0.2
Nickel (Ni)	0.4	0.12
Lead (Pb)	0.5	0.15
Antimony (Sb)	0.06	0.1
Selenium (See)	0.1	0.04
Zinc (Zn)	4	1.2
Chloride	800	460
Fluoride	10	2.5
Sulfate	1000 *	1500
Phenolic number	1	0.3
Dissolved organic carbon (DOC) 500 **		160
Total dissolved solids (TDS) ***	4000	-

\* If the waste exceeds the limit values for sulphate, it can nevertheless be considered to meet the acceptance criteria if the leaching does not exceed any of the following values: 1500 mg/l as C at L/S = 0.1 l/kg and 6000 mg/kg at L/S = 10 l/kg.

\*\* If the waste exceeds the limit values for dissolved organic carbon (DOC) at its own pH value, the it is alternatively tested at L/S = 10 l/kg and a pH between 7.5 and 8.0. The waste can be considered as fulfilling the acceptance criteria for DOC if the result of this test does not exceed 500 mg/l.

\*\*\* The value for TDS can be used as an alternative to the values for sulphate and chloride.

#### 2.1.2. *Limit values for organic parameters*

In addition to the limit values for leaching in No. 2.1.1, easily contaminated masses such as must be deposited at a landfill for inert waste not exceeding the following limit values for total content of organic parameters:

<b>Parameter</b>	<b>Value</b>
Total organic carbon (TOC)	3% *
Benzene, toluene, ethylbenzene and xylenes (BTEX)	6 mg/kg
Polychlorinated biphenyls (7 congeners of PCB)	1 mg/kg
Mineral oil (C10 to C40)	500 mg/kg
Polyaromatic hydrocarbons (16 PAH)	20 mg/kg
Benzo(a)pyrene	2 mg/kg

\* If the waste is soil, the pollution authority can allow a higher limit value, provided that the limit value of 500 mg/kg is observed for dissolved organic carbon at L/S = 10 l/kg, either at the soil's pH or at a pH value between 7.5 and 8.0.

#### 2.2. *Criteria for receiving waste at a landfill for ordinary waste*

Waste that is not classified as hazardous waste in accordance with the waste regulations chapter 11, appendix 1 on the European waste list, can be placed in a landfill for ordinary waste.

##### 2.2.1. *Criteria for receiving gypsum waste*

Gypsum waste must be deposited in cells where biodegradable waste is not received. Waste in a disposal cell for gypsum waste must not exceed the following limit values:

<b>Parameter</b>	<b>Value</b>
------------------	--------------

Total organic carbon (TOC) pH  
5%  
At least 6

If the value of TOC is not achieved, the pollution authority can allow one higher limit value, provided that a limit value of 800 mg/kg is observed for DOC wood L/S = 10 l/kg either at the material's own pH or at a pH between 7.5 and 8.0.

2.3. *Criteria for ordinary waste and hazardous waste that are deposited together at a landfill for ordinary waste*

2.3.1. *Limit values for leakage potential*

Stable, non-reactive hazardous waste can be deposited together with ordinary waste in a landfill or in a landfill cell for ordinary waste, provided that the waste does not exceed the following limit values for leakage potential:

<b>Parameter</b>	<b>L/S = 10 l/kg wood shake test with particle size &lt; 4 mm mg/kg dry matter</b>	<b>C (L/S = 0.1 l/kg) by column test mg/l</b>
Arsenic (As)	2	0.3
Barium (Ba)	100	20
Cadmium (Cd)	1	0.3
Chromium (Cr) total	10	2.5
Copper (Cu)	50	30
Mercury (Hg)	0.2	0.03
Molybdenum (Mo)	10	3.5
Nickel (Ni)	10	3
Lead (Pb)	10	3
Antimony (Sb)	0.7	0.15
Selenium (See)	0.5	0.2
Zinc (Zn)	50	15
Chloride	15000	8500
Fluoride	150	40
Sulfate	20000	7000
Dissolved organic carbon (DOC) 800*		250
Total dissolved solids (TDS)	60000	-

\* If the waste exceeds the limit value for DOC at its own pH value, it can alternatively be tested at L/S = 10 l/kg and a pH of 7.5-8.0. The waste can be considered to meet the acceptance criteria for DOC, if the result of this test does not exceed 800 mg/kg.

\*\* The limit value for TDS can be used as an alternative to the values for sulphate and chloride.

2.3.2. *Limit values for other parameters*

a. Waste in a landfill cell where ordinary waste and stable hazardous waste are deposited together must not exceed the following limit values:

<b>Parameter</b>	<b>Value</b>
Total organic carbon (TOC) pH	5% At least 6

\* If this value is not achieved, the pollution authority can allow a higher limit value, provided that the limit value of 800 mg/kg is complied with for DOC at L/S 10 l/kg, either at the material's own pH or at a pH value of between 7.5 and 8.0.

### 2.3.3. *Criteria for receiving asbestos waste*

Asbestos waste can only be received at landfills or in a landfill cell that complies the following requirements:

- The landfill is reserved for building materials containing asbestos and other suitable materials asbestos waste,
- Asbestos waste must be covered daily and before each compaction operation appropriate material. If the waste is not packaged, it must be regularly sprinkled,
- The final top cover on the landfill/cell must be suitable to prevent spreading of fibers,
- No work shall be carried out at the landfill/cell that could lead to the release of fibres (e.g. boreholes),
- There must be a map of the location of the landfill/cell. The map must be stored after the landfill has ended,
- Appropriate measures must be taken to limit possible use of the area after the landfill is closed, to avoid people coming into contact with the waste.

### 2.4. *Criteria for waste that can be received at landfills for hazardous waste*

#### 2.4.1. *Limit values for leakage potential*

Hazardous waste deposited at hazardous waste landfills cannot exceed the following limit values for leakage potential:

<b>Parameter</b>	<b>L/S = 10 l/kg wood shake test with particle size &lt; 4 mm mg/kg dry matter</b>	<b>C (L/S = 0.1 l/kg) by column test mg/l</b>
Arsenic (As)	25	3
Barium (Ba)	300	60
Cadmium (Cd)	5	1.7
Chromium (Cr) total	70	15
Copper (Cu)	100	60
Mercury (Hg)	2	0.3
Molybdenum (Mo)	30	10
Nickel (Ni)	40	12
Lead (Pb)	50	15
Antimony (Sb)	5	1
Selenium (See)	7	3
Zinc (Zn)	200	60
Chloride	25000	15000
Fluoride	500	120
Sulfate	50000	17000
Dissolved organic carbon (DOC) 1000 <sup>*</sup>		320
Total dissolved solids <sup>**</sup> (TDS)	100000	-

\* If the waste exceeds the limit values for DOC at its own pH, it can alternatively be tested at L/S = 10 l/kg and a pH of 7.5-8.0. The waste can be considered to meet the acceptance criteria for DOC if the result of

this provision does not exceed 1000 mg/kg.

\*\* The values for TDS can be used as an alternative to the limit values for sulphate and chloride.

#### 2.4.2. *Limit values for organic parameters*

In addition to the limit values for leaching potential set out in 2.4.1, hazardous waste can only exceed one of the following limit values:

<b>Parameter</b>	<b>Value</b>
Loss of heat	10%
Total organic carbon (TOC)	6% *

\* If this value is not achieved, the competent authority may allow a higher limit value, provided that the limit value of 1000 mg/kg is respected for DOC at L/S = 10 l/kg, either at the material's own pH or at a pH value between 7.5 and 8.0.

#### 2.5 *Exemptions from limit values*

The pollution authority can decide for individual waste deliveries that a landfill in category 1 or 2 can receive waste with up to three times higher leaching potential or content of hazardous substances than specified in this appendix. However, this does not apply to:

- a. Leaching of dissolved organic carbon (DOC)
- b. Content of total organic carbon (TOC) in ordinary waste and non-reactive hazardous waste that is deposited together
- c. pH for ordinary waste and non-reactive hazardous waste that are deposited together
- d. Loss of heat for waste that is delivered to landfills for hazardous waste.

An environmental risk assessment must have been carried out which shows that higher limit values do not entail any increased risk to human health or the environment.

#### 2.6 *Criteria for waste that can be received at underground landfills*

An underground landfill can only receive waste that meets site-specific acceptance criteria set by the pollution authority on the basis of a site-specific risk assessment. In addition, the following applies:

Underground landfills for inert waste can only receive waste that meets the criteria in no. 2.1. Underground landfills for ordinary waste can only receive waste that meets the criteria in no. 2.2 or no. 2.3. For underground landfills for hazardous waste, only the site-specific acceptance criteria apply.

Types of waste that can react with each other can only be received if they are kept physically separate.

##### 2.6.1. *Site-specific risk assessment*

The site-specific risk assessment must cover both the operational and post-operational phases and must include:

1. Geological assessment based on a comprehensive survey of the area's geology, including layer structures, faults and fracture zones as well as any seismic activity.
2. Geotechnical assessment of the cavity's stability, including any interactions between the geotechnical properties of the rocks on site and the stability of the stored waste.
3. Hydrogeological assessment based on a comprehensive mapping of the groundwater flow pattern.
4. Geochemical assessment based on a comprehensive characterization of soil, bedrock and groundwater in the area. The assessment must include the current situation and possible development over time.

5. Assessment of the impact on potentially affected ecosystems. The assessment must include the current situation and possible development over time.
6. Assessment of the operational phase based on a systematic analysis of the operation of the plant and the received waste.
7. Long-term assessment based on a systematic analysis of relevant scenarios for future development in the landfill and the surrounding layers.
8. Other relevant conditions such as nearby industry or mining activities that may conflict with the landfill.

2.7 *Criteria for receiving metallic mercury at facilities that are specifically intended for and suitable for the purpose A. Requirements for the mercury*

For metallic mercury, the criteria for waste that can be received at landfills for hazardous waste set out in Annex II, point 2.4, do not apply.

Metallic mercury must comply with the following specifications: - The mercury content must be over 99.9% by weight.

- The mercury must not contain impurities that can corrode carbon or stainless steel (e.g. nitric acid solution or chloride salt solution).

*B. Requirements for containers etc*

Containers used for storing metallic mercury must be corrosion-proof and shock resistant. Welds must therefore be avoided. The containers must meet the following specifications: - The

containers must be made of carbon steel (at least ASTM A36) or stainless steel (AISI 304, 316L).

- The containers must be gas and liquid tight.

- The outer side must be resistant under the current storage conditions.

- The construction type must pass the drop test and the leak tightness test described in chapters 6.1.5.3 and 6.1.5.4 of the UN's recommendations for the transport of dangerous goods: test manuals and criteria.

The container's maximum filling level must be 80 percent by volume, to ensure that there is sufficient free space available, and that neither leakage nor permanent deformation of the container can occur as a result of the liquid expanding due to high temperature.

*C. On-site inspection*

Only containers with a certificate drawn up in accordance with letter D can be received.

The reception procedures shall be in accordance with the following:

- Only metallic mercury that meets the minimum requirements described above can be received.

- The containers must be checked visually before storage. Damaged, leaking or rusted containers shall not be accepted.

- The containers must be affixed with a permanent stamp (made by punching) indicating the container's identification number, what it is made of, the empty weight, the manufacturer's name and the date it was made.

- The containers must have a fixed plaque indicating the certificate's identification number.

*D. Certificate*

The certificate mentioned in letter C must state: - name and address of the producer of the waste, - name and address of the person responsible for the filling, - place and date of the filling, - the amount of mercury, - the purity of the mercury and, if relevant, a description of the impurities, including

the analysis report,  
- confirmation that the containers have been used exclusively for the transport/storage of mercury, -  
the containers' identification numbers, -  
any special notes.

Certificates must be issued by the producer of the waste, or if this is not possible, by the person responsible for the handling.

### 3. *Methods for sampling and testing waste*

Sampling and testing of the waste must be carried out by independent and qualified persons at institutions with the necessary expertise. The laboratories must have documented an effective quality assurance system through an accreditation or equivalent.

Alternatively, the sampling can be carried out by the waste producer or the operators, provided that the sampling routines are quality assured by an independent and competent institution.

The testing of the waste can also be carried out by the waste producer or the operators if they have implemented an appropriate quality assurance system that includes periodic, independent control, e.g. through accreditation or a system of similar quality.

CEN standards must be used for sampling and testing. If there is no CEN standard in the form of a formal European standard (EN), a Norwegian standard or draft CEN standard can be used when it has reached the prEN stage. If these are still not available, adapted methods can be prepared that are relevant in relation to the problem in question. The method must then be documented in a scientific manner, and must, as far as possible, be based on current standards.

The sampling must be based on a sampling strategy that takes account of the composition and properties of the waste, based on the current standard for waste sampling. The sampling strategy must ensure that representative samples are taken, and that the scope of characterization and testing is adequate for the waste in question.

0 Annex II added by regulations 3 Oct 2006 no. 1180 (in force 1 Jan 2007 and 1 July 2007), amended by regulations 27 June 2008 no 741 (in force 1 July 2009), 14 Oct 2013 no. 1237, 9 Sep 2015 no. 1042 (in force 1 Jan 2016, as amended by regulation 15 Dec 2015 no. 1697), 21 Oct 2022 no. 1776.

## **Appendix III. Control and monitoring procedures in the operation and post-operation phase**

### *1 Introduction*

Sampling of leachate and gas emissions and monitoring in the recipient must be carried out in relevant and representative points and at times and with frequencies that reflect actual emissions and environmental impacts. The monitoring program must be adapted for the individual landfill based on its location, content and design. Monitoring in the recipient may take place in surface water and/or groundwater, depending on the location of the landfill.

The monitoring procedures must also be established with the aim of checking -  
that the processes in the landfill proceed as desired, -  
that the systems for protecting the environment fully function as planned, -  
that the conditions in the permit for the landfill are met.

### *2. Meteorological data*

If it is considered appropriate, for example as part of the control of the water balance in the landfill, the permit may require meteorological data to be collected at the landfill or from a nearby meteorological station.

### 3. Emission data: monitoring of leachate, surface water, groundwater and landfill gas

All landfills with requirements for leachate collection, cf. appendix I to this chapter section 2, cf. section 3.4, must have a monitoring program for leachate. Sampling and measurement of the amount of leachate and composition must be carried out at each point where there is a discharge of leachate from the landfill. <sup>1</sup>

Monitoring of surface water must be carried out at at least two points, one upstream and one downstream in relation to the landfill, and by using methods and parameters that capture leaching over time.

The monitoring of groundwater must be aimed at groundwater that may be affected by the landfill, including at least one measurement point in the groundwater inflow area and two in the outflow area. Number sample points can be increased on the basis of a specific hydrogeological survey and the degree of need for a quick ascertainment of any discharge of leachate into the groundwater as a result of an accident. Before the landfill is put into operation, samples must be taken in at least three locations to establish reference values for future sampling. To the extent possible, action limits must be established for groundwater which defines when a significant harmful effect on the environment has occurred and which triggers the obligation to report thereafter § 9-14 and § 9-15.

The monitoring of gas formation depends on the landfill's content of biodegradable matter waste, and must be representative of each section of the landfill.

Sampling and analysis frequency must be assessed in each individual case. Indicative frequency is indicated in the table below.

	<i>The operational phase</i>	<i>The follow-up phase</i>
Amount of leachate	Monthly	Every six months
The composition of the leachate	Quarterly	Every six months
The amount of surface water and composition	Quarterly	Every six months
Groundwater level	Every six months	Every six months
Groundwater composition	Landfill specific frequency	Landfill specific frequency
Landfill gas	Monthly	Every six months

For leachate and surface water, mixed samples must be taken for monitoring purposes representative of the average composition in the period since the last sampling.

The parameters to be measured and the substances to be analyzed in the monitoring programme, will vary with the composition of the landfill. They must be specified in the permit and reflect that of the waste characteristics.

### 4. The development of the landfill

For landfills in the operational phase, a status overview of the landfill's development must be prepared annually which shows the area occupied by the waste, waste volume and composition, disposal methods, duration of the deposit and remaining capacity. Any sentences in the filling shall is registered for all landfills in both the operational and post-operational phases.

### 5. Requirements that apply to temporary storage of metallic mercury for more than one year

#### A. Requirements for monitoring, inspection and preparedness

A system for continuous monitoring of mercury vapor must be installed at the storage site, with a sensitivity of at least 0.02 mg mercury/m<sup>3</sup>. Sensors must be placed at ground level and at head height. This must include a visual and acoustic warning system. The system must be maintained at least annually.

The storage location and containers must be visually checked by an authorized person at least once a year the month. If leaks are discovered, the person responsible for the warehouse must immediately take all necessary measures to avoid the release of mercury into the environment, and restore safe storage of the mercury. All leaks must be considered to have a significant harmful effect on the environment, cf. section 9-14 second paragraph.

Contingency plans and sufficient protective equipment suitable for handling metallic mercury must be available at the storage location.

#### B. Keeping records

Documentation on the removal and dispatch of metallic mercury after it has been temporarily stored and information on the place of destination and the planned treatment must be kept for at least three years after the storage has ceased. The same shall apply to all documents containing the information referred to in Annex II, point 2.7 and in letter A of this point, including the certificate that must accompany the container.

0 Amended by regulation 14 Oct 2013 no. 1237.

1 Reference: General guidelines for sampling methods, ISO 5667-2 (1991).

2 Reference: Sampling of groundwater, ISO 5667, Part 11, 1993.

## Chapter 10. Combustion of waste

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (Pollution Act) § 9, § 11, § 12, § 16, § 29 and § 31. Cf. EEA Agreement Annex XX No. 32 (Directive 2000/76/EC).

### I. Preliminary provisions

#### Section 10-1. Purpose

The purpose of the provisions in this chapter is to ensure that the incineration of waste takes place in a responsible and controlled manner so that harmful effects on the environment and human health are prevented and reduced as far as possible.

#### Section 10-2. Scope

The provisions in this chapter apply to plants that burn waste, both waste incineration plants and co-incineration plants. Thermal treatment processes other than combustion, such as pyrolysis, gasification or plasma processes, are not covered by this chapter if the gases produced are cleaned before oxidation so that they cease to be waste and they cannot cause higher emissions than when burning natural gas.

Plants that only burn the following types of waste: a.

vegetable waste from agriculture and forestry, b.

vegetable waste from the food industry, provided that the generated thermal energy is exploited,

c. fibrous vegetable waste from the production of pulp from virgin wood and from

production of paper from pulp, provided that the waste is incinerated in a co-incineration plant at

the production site and that generated thermal energy is utilized, d. wood waste, including cork waste, with the exception of wood waste that may contain halogenated organic compounds or heavy metals as a result of surface treatment or treatment with impregnation agents, and which in particular include this type of wood waste from construction and demolition waste,

e. animal carcasses, f. radioactive waste, g. explosive

waste, are not covered by the provisions of this chapter.

Installations that burn waste types specified in the letters ad are nevertheless covered by the provisions in this chapter if the waste is classified as hazardous waste.

For co-incineration plants that heat treat untreated, mixed household waste and household-like waste from commerce, industry and institutions applies to the requirements for waste incineration plants in parts II–IX of this chapter. The first sentence does not apply to waste fractions listed in chapter 11 on hazardous waste, appendix 1 subchapter 20-01 if these are collected separately from the waste owner, and waste fractions listed in subchapter 20-02.

If processes other than oxidation are used for heat treatment of waste, such as pyrolysis, gasification or plasma treatment, the waste incineration plant or co-incineration plant must include both the heat treatment process and the subsequent combustion process.

Facilities which are only used for experimental activities and which carry out research and development in order to improve the incineration process for waste, is not covered by the provisions of this chapter, provided that the facility processes less than 50 tonnes of waste per year.

0 Amended by regulations 26 July 2016 no. 950 (in force 1 Aug 2016), 26 May 2023 no. 782.

### Section 10-3. Definitions

In this chapter, a. waste means :

movable objects and substances which, in accordance with Section 27 of the Pollution Act, must be considered as waste

b. *hazardous waste*: waste which according to § 11-2 of these regulations must be classified as hazardous

c. *infectious waste*: waste from medical treatment or veterinary treatment and/or associated research that contains viable microorganisms or their toxins that are known or suspected to cause disease in humans or other living organisms

d. *household-like waste*: food waste, cf. Pollution Act § 27a second paragraph, which in nature and composition is similar to household waste cf. Pollution Act § 27a first paragraph

e. *waste incineration plant*: any technical unit and equipment whose main purpose is to heat treat waste, with or without utilization of generated thermal energy, through combustion by oxidation or by other thermal treatment processes such as pyrolysis, gasification or plasma processes if the gases formed during the treatment are then oxidized

f. *co-incineration plant*: any technical unit and equipment whose main purpose is to produce energy or to manufacture or process products, and which additionally heat-treats waste through combustion by oxidation or by other thermal treatment processes such as pyrolysis, gasification or plasma processes if the gases formed by the treatment is then oxidized

g. *incineration plant*: collective term for waste incineration plant and co-incineration plant

h. *ordinary operation*: any operating process at an incineration plant, including start-up of

the plant, which includes the incineration of waste. A new plant is considered to be in normal operation from the time of the first incineration of waste

- i. *existing waste incineration plant*: plant that has permission to incinerate waste and put into normal operation by 1 January 2003 as well as facilities that have a permit to incinerate waste that was issued before 1 January 2003 and put into normal operation by 1 January 2004
- j. *nominal capacity*: the sum of the thermal combustion capacity of the stoves et incineration plant consists of, counted as permanently fired effect. Nominal capacity is expressed as the maximum amount of waste that can be incinerated per unit of time, related to the effective (wet) calorific value of the waste
- k. *emission limits*: the amount of emissions, expressed in specific concentrations, which must not be exceeded during one or more specified time periods
- l. *dioxins*: all polychlorinated dibenzo-p-dioxins and dibenzofurans as specified in Annex I to this chapter
- m. *operator*: the natural or legal person responsible for an incineration plant n. *combustion residues*: any liquid or solid material generated by the operation of a incineration plant and which is defined as waste, including slag and bottom ash, fly ash and boiler dust, solid reaction products from flue gas cleaning, sludge from the treatment of waste water from flue gas cleaning, used catalysts and used activated carbon, etc. The *pollution authority*:  
The Norwegian Environment Agency, the state administrator or the Climate and the Ministry of the Environment authorizes.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 26 July 2016 no. 950 (in force 1 Aug 2016), 14 Dec 2020 no. 3341 (in force 1 June 2021), 26 May 2023 no. 782.

## II. Permission to pollute

### Section 10-4. Requirements for a discharge permit

Whoever is to operate a waste incineration facility must have a permit, cf. the Pollution Act § 29, cf. section III. Applications for discharge permits must be sent to the pollution authority.

An emission permit for an incineration plant must at least contain conditions as described in Annex VIII to this chapter. A discharge permit shall not be granted unless the facility can satisfy all relevant requirements in this chapter with annexes.

The content of the application and the discharge permit must also comply with the requirements of regulation 1 June 2004 no. 931 on the limitation of pollution (the pollution regulation) chapter 36 on the processing of permits under the Pollution Act.

The pollution authority can determine additional conditions or stricter conditions than in this chapter based on local conditions and characteristics of the incineration plant in question.

## III. Reception of waste

### Section 10-5. Registration and control

When receiving waste at an incineration plant, the operator must ensure that each type waste is weighed and registered.

When receiving hazardous and/or infectious waste, the operator must, as far as is appropriate, ensure that the waste corresponds to the description in the documents submitted by the waste owner. The check shall, as far as possible, be carried out before the waste is unloaded.

The control must be carried out by taking representative samples which are kept for at least one month after the waste has been incinerated.

It is not permitted to incinerate industrial batteries and lead batteries, with the exception of residues treatment and recycling of such batteries.

0 Amended by regulation 24 Oct 2012 no. 989.

#### **Section 10-6. Exemption for industrial facilities**

The pollution authority can make exceptions to the requirements in section 10-5 for facilities that are part of a business that is listed in regulation 1 June 2004 no. 931 on the limitation of pollution (the pollution regulation) chapter 36 on the processing of permits according to the Pollution Act, Annex I, if the facility only burns waste from its own business at the place where the waste is generated, and other requirements according to the regulations in this chapter are met.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

### **IV. The plant's operation**

#### **Section 10-7. Combustion conditions**

Combustion plants must be designed, built and operated in such a way that the requirements for temperature, residence time, support burner and input of waste in Annex IX to this chapter are observed.

#### **Section 10-8. Exceptions for temperature, residence time and support burner**

The pollution authority can in special cases make exceptions to the requirements regarding temperature, residence time and support burner in Annex IX to this chapter points 1 and 2, and from the temperature requirement in Annex IX to this chapter point 3, provided that other requirements in this chapter are met. Exceptions to the requirement for a support burner can only be made for combustion plants that use new technology where the use of a support burner is unnecessary. The discharge permit must state which types of waste and which thermal processes the exceptions apply to.

Exceptions under the first paragraph shall not result in larger amounts of combustion residues from the plant, or combustion residues with a higher content of unburnt material, than would have been the case if the requirements in Annex IX to this chapter had been followed.

For co-incineration plants, exceptions according to the first paragraph can only be made if the operator can document that the emission limits for TOC and CO in Appendix V to this chapter will be met. For co-incineration plants in the pulp and paper industry, which have an emission permit to burn waste and are put into normal operation by 1 January 2003, and where the industry's own waste is burned in bark boilers at the production site, an exception according to the first paragraph can be made if the operator can document that the emission limits for The TOC in Annex V to this chapter will be fulfilled.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

**Section 10-9. Combustion residues**

Incineration plants must be designed, built and operated so that the amount of combustion residues from the operation of the facility is limited to the greatest extent possible. Furthermore, the content of harmful substances in the combustion residues must be limited as much as possible.

Slag and bottom ash from the incineration plant must be sufficiently burnt out and cooled beforehand further handling. Slag and bottom ash must have a TOC content of less than 3% or a loss on ignition of less than 5% of the material's dry weight.

Combustion residues that are classified as hazardous waste must be handled in accordance with the provisions in Chapter 11 on hazardous waste.

Combustion residues must go to recycling, where this is appropriate, or to final treatment. Businesses that carry out recycling or final treatment of incineration residues must have the necessary permission according to the Pollution Act or regulations issued pursuant to the Act. Before deciding where the combustion residues are to be delivered, tests must be carried out, as far as is justified, to determine the various residues' physical and chemical properties and pollution potential.

**Section 10-10. Energy utilization**

Combustion plants must be designed, built and operated in such a way that all thermal energy generated by the combustion process is utilized as far as is practically feasible.

**§ 10-11. Noise, odors and other nuisances**

The pollution authority must set limit values for the maximum noise level from an incineration plant in the emission permit.

Combustion plants must be designed, built and operated in such a way that odors or other nuisances from the plant cannot be harmful or disadvantageous to the environment.

**§ 10-12. Infectious waste**

In the case of incinerators that have permission to process infectious waste, this must be fed directly into the incinerator without mixing it with other types of waste first and without direct contact.

**§ 10-13. Mode of operation**

For incineration plants that do not have continuous operation, the pollution authority can determine a maximum number of planned start-up and run-down of the plant per year in order to limit the negative environmental effect such a form of operation can have.

### **§ 10-14. *Duty of maintenance***

In order to keep the ordinary emissions from the incineration plant at the lowest possible level and to prevent other emissions, the operator must ensure adequate maintenance of equipment that may have emissions implications. Systems and routines for the maintenance of such equipment must be documented.

## **V. Emissions to air**

### **Sections 10-15. *Emission limits***

Waste incineration and co-incineration plants must be designed, built and operated in such a way that the emission concentrations in the flue gas do not exceed the limit values for emissions to air in Annex V and Annex II to this chapter respectively.

If the generated output from the incineration of hazardous and/or infectious waste makes up more than 40% of the total generated output at a co-incineration plant, the emission limits in Appendix V to this chapter shall apply.

### **Sections 10-16. *Chimney height***

The flue gas from the combustion plant must be released in a controlled manner through a chimney. The discharge height must be calculated so that the concentration of air pollutants at ground level or at any nearby air intakes does not exceed recommended air quality criteria. The calculations must be carried out on the basis of the permitted emission quantity, existing background concentration and the most unfavorable dispersion conditions that may occur. Competent external assistance must be used for the calculations.

The pollution authority can specify numerical requirements for the discharge height in the discharge permit.

The pollution authority can in special cases make exceptions to the provision in the first paragraph second sentence with regard to which limit values the air pollutants must comply with.

## **WE. Release to water**

### **§ 10-17. *Emission limits***

Combustion plants must be designed, built and operated so that the emission concentrations in waste water from cleaning the flue gas do not exceed the limit values for emissions to water in Annex IV to this chapter.

The pollution authority must set relevant limit values in the discharge permit control parameters for discharge to water, minimum for pH, temperature and normal amount of waste water per tonne of incinerated waste. The pollution authority must also specify the point of discharge for the waste water.

### **§ 10-18. *Common cleaning***

If waste water from cleaning the flue gas at a given incineration plant is treated together with corresponding waste water from other incineration plants or with waste water from other processes, the emission limits in section 10-17 first paragraph shall apply to the part of the total discharge to water that can be attributed to the waste water from the given plant .

The operator must ensure that the necessary measurements are carried out in accordance with § 10-24 in the water flows into and out of the joint water treatment plant, and that, if necessary, mass balance calculations are carried out to check that the provision in the first paragraph is complied with.

### **§ 10-19. Management of runoff**

Sufficient capacity must be ensured for the collection and proper handling of all runoff from received waste and from combustion residues at the incineration plant. The pollution authority must establish requirements for the discharge of water from such runoff. The requirements must at least deal with measurements and reporting of relevant emission parameters.

## **VII. Measurements**

### **§ 10-20. Process monitoring and control**

Combustion plants must be equipped with measuring equipment that monitors the operating and control parameters that are relevant in connection with the combustion process. At least the following measurements must be carried out: a. continuous

measurements of oxygen concentration, pressure, temperature and water vapor content i  
the flue gas,

b. continuous measurements of pH, temperature and amount of water in waste water from purification of  
the flue gas, cf. § 10-17 second paragraph,

c. continuous measurement of temperature after the last intake of combustion air, measured near  
inner wall of the combustion chamber or at another representative point after permission from the pollution authority,  
cf. § 10-7, d. measurement of amount of waste  
that is incinerated.

Measurement of water vapor content is not required if the flue gas is dried before the emission measurements is carried out, cf. first paragraph letter a.

The residence time and minimum temperature of the flue gas must be checked in relation to the requirement in section 10-7 at least once when the combustion plant is put into use and under the worst possible operating conditions.

### **§ 10-21. Measurements of emissions to air**

The following measurements of emissions to air at an incineration plant must be carried out: a.  
continuous measurements of total dust, TOC, HCl, HF, SO<sub>2</sub> b. at least one SO<sub>2</sub> , NO<sub>x</sub> and CO,  
measurement every six months of heavy metals and dioxins. However, it must be carried out  
at least one measurement every three months in the first year the plant is in normal operation.

The pollution authority can make exceptions to the requirement for continuous measurements of HCl, HF and SO<sub>2</sub> in the first paragraph letter a and decide that periodic measurements of these parameters must be carried out as stated in the first paragraph letter b, or that measurements can be omitted if the operator can document that the emissions of HCl, HF and SO<sub>2</sub> cannot exceed the emission limits laid down in § 10-15.

The pollution authority can make exceptions to the requirement for continuous measurements of NO<sub>x</sub> in the first paragraph letter a for existing waste incineration plants with a nominal capacity of less than 6 tonnes per hour and decide that periodic measurements must be carried out as stated in first paragraph letter b if the operator can document, based on information about the quality of the waste, the technology used and on emissions measurements, that emissions of NO<sub>x</sub> cannot exceed the emission limit set out in § 10-15.

x

The pollution authority can make exceptions to the requirement for periodic measurements of heavy metals and dioxins in the first paragraph, letter b, provided that there is a requirement for at least one measurement every 24 months for heavy metals and at least one measurement every 12 months for dioxins, and that the conditions in Annex XI until this chapter is fulfilled.

For facilities covered by Part X, the measurement requirements in § 10-38 also apply.

0 Amended by regulations 26 July 2016 no. 950 (in force 1 Aug 2016), 26 May 2023 no. 782.

### **Section 10-22. Standardization and calculation of mean values**

The results of the measurements carried out in accordance with Section 10-21 must be standardized in accordance with Appendix X to this chapter point 1.

Daily, hourly, half-hourly and ten-minute mean values must be calculated from the standardized measurement results. The calculations must be carried out in accordance with Annex X to this chapter, point 2.

### **Section 10-23. Compliance with emission limits to air**

The emission limits for air in § 10-15 are considered to have been complied with if a.

none of the 24-hour average values for total dust, TOC, HCl, HF, SO<sub>2</sub> and NO<sub>x</sub> exceed

the emission limits in Annex V to this chapter letter a or in Annex II to this chapter, b. either 100% or at least 97% of the half-hour average values for total dust, TOC, HCl, HF,

SO<sub>2</sub> and NO<sub>x</sub> over a rolling one-year period, do not exceed the respective emission limits in Annex V to this chapter letter b column A and B,

c. at least 97% of the 24-hour average values for CO, over a rolling one-year period, do not exceed the emission limit in Annex V to this chapter, letter d, first indent,

d. none of the mean values for CO exceed the emission limits in Annex V to this chapter letter d, second indent or in Annex II to this chapter, and e. none of the mean values

for heavy metals and dioxins exceed the emission limits in appendix V to this chapter letter c or in appendix II to this chapter.

0 Amended by regulation 26 May 2023 no. 782.

### **Section 10-24. Measurements of emissions to water**

The following measurements of emissions to water must be carried out at an incineration plant: a. daily measurements of the total amount of suspended matter, b.

measurements at least every month of heavy metals, c.

measurements at least every six months of dioxins. However, at least one measurement must be carried out every three months during the first year that the plant is in normal operation.

The discharge parameters in the first section are measured as daily mixture samples proportional to the amount of water.

For facilities covered by Part X, the measurement requirements in § 10-39 also apply. \_\_\_\_\_

0 Amended by regulation 26 May 2023 no. 782. \_\_\_\_\_

### **Section 10-25. Normalization**

If the actual amount of waste water per tonne of incinerated waste, determined for the period during which the measurements are carried out in accordance with § 10-24, turns out to be greater than the limit value for the normal amount of waste water per tonne of incinerated waste stated in the discharge permit, the results from the discharge measurements shall be normalized according to the formula in Annex VII to this chapter.

### **Section 10-26. Compliance with discharge limits to water**

The discharge limits for water in § 10-17 are considered to have been complied with if a. 100% and at least 95% of the daily measurements of the total amount of suspended matter, over a ongoing one-year period, does not exceed the respective emission limits in Annex IV to this chapter columns A and B, b. maximum one of the measurements of heavy metals, over a running one-year period, exceeds the emission limits in Annex IV to this chapter, or if the pollution authority has set a requirement for more than 20 measurements per year, a maximum of 5% of the measurements, over a continuous one-year period, exceeds the emission limits in Annex IV to this chapter, and none of the measurements, regardless of the number of measurements per year, are more than twice as high as the emission limits in Annex IV to this chapter, and

c. none of the dioxin measurements exceed the emission limit in Annex IV to this chapter.

0 Amended by regulation 26 May 2023 no. 782. \_\_\_\_\_

### **Section 10-27. Measurements of noise and unburnt material in slag and bottom ash**

At least one measurement of noise must be carried out in the first year that an incineration plant is in normal operation, cf. section 10-11 first paragraph.

At least one measurement must be carried out every three months of the proportion of unburnt material in slag and bottom ash at the incineration plant, cf. § 10-9 second paragraph.

### **Section 10-28. Measuring methods and measuring equipment**

All measurements carried out at an incineration plant must be carried out in accordance with the requirements of measuring methods and measuring equipment in Annex III to this chapter.

## **VIII. Abnormal operating conditions and notification**

### **Section 10-29. Breach of emission limits**

The operator of an incineration plant must, as far as possible, prevent it from occurring abnormal operating conditions that cause specified emission limits to be exceeded. If the emission limits in § 10-15 and § 10-17 are nevertheless exceeded as a result of technically unavoidable

disturbances or failure of treatment plants or measuring equipment, incineration of waste shall not continue uninterrupted for more than 4 hours. The total operating time under such conditions must be less than 60 hours over a rolling one-year period.

Under operating conditions as described in the first paragraph, the emission of dust into the air from a waste incineration plant shall not exceed 150 mg/Nm<sup>3</sup> expressed as a half-hour average. Otherwise, the emission requirements for CO and TOC to air as well as the requirements in section IV The plant's operation must be complied with.

<sup>0</sup> Amended by regulation 26 May 2023 no. 782.

#### **Section 10-30. Notification**

If the set emission limits for an incineration plant are exceeded, or if it occurs other abnormal conditions that have or may have pollution-related significance, the pollution authority must be notified of this without undue delay.

Acute pollution or risk of acute pollution must be notified in accordance with regulations on 9 July 1992 No. 1269 on notification of acute pollution or danger of acute pollution.

#### **Section 10-31. Alternative waste disposal**

The person responsible for operations must ensure that a plan is drawn up for alternative disposal of waste in the event of a shutdown. In the event of temporary storage of waste in such situations, the necessary permission must be obtained in accordance with the Pollution Act or regulations issued pursuant to the Act.

## **IX. Measurement results and reporting**

#### **Section 10-32. Storage of measurement results**

All measurement results from an incineration plant must be recorded, processed and presented on a appropriate way so that the pollution authority can check that the provisions in this chapter are complied with. The measurement results must be kept for at least three years.

#### **Section 10-33. Annual reporting**

The operator must send the pollution authority an annual report which must at least contain information on emissions to air and water at the incineration plant. For new facilities, reports must also be made as soon as possible for the first eight months the facility is in normal operation. The pollution authority can set further requirements for what the reports must contain.

## **X. Special requirements for certain combustion plants**

<sup>0</sup> Repealed by regulation 26 July 2016 no. 950 (in force 1 August 2016), added by regulation 26 May 2023 no. 782.

#### **Section 10-34. Which facilities are covered by the requirements in Part X**

The requirements in Part X apply  
to: 1. Final treatment or recycling of waste in waste incineration plants,

a. for ordinary waste with a capacity of more than 3 tonnes per hour, b. for hazardous waste with a capacity of more than 10 tonnes per day.

2. Final treatment or recycling of waste in co-incineration plants: a. for ordinary waste with a capacity of more than 3 tonnes per hour, b. for hazardous waste with a capacity of more than 10 tonnes per day,

whose main purpose is not the production of material products, and where at least one of the following conditions is met: i. the facility only burns waste,

but not waste as mentioned in section 10-2 second subsection a–d ii. more than 40% of the resulting heat release comes from hazardous waste iii. mixed household waste or household-like waste is heat treated.

The requirements in Part X apply in addition to other requirements in Chapter 10.

0 Repealed by regulation 26 July 2016 no. 950 (in force 1 August 2016), added by regulation 26 May 2023 no. 782.

### **Section 10-35. Emission limits for emissions to air**

The facility must comply with the emission limits for emissions to air specified in Appendix XII. The plant must nevertheless limit its emissions as much as possible, even if the emissions are within the prescribed emission limits.

The emission limits specified in Annex XII apply under normal operating conditions. Normal operating conditions are not considered to be ramping up and down, leaks, malfunctions of the plant, necessary maintenance, sudden stoppage of operation and the like, provided that the obligations to reduce pollution as far as possible, preventive maintenance and the duty to take measures are complied with.

The emission limits specified in Annex XII apply in addition to the emission limits in § 10-15.

0 Repealed by regulation 26 July 2016 no. 950 (in force 1 August 2016), added by regulation 26 May 2023 no. 782.

### **Section 10-36. Emission limits for emissions to water from cleaning flue gas**

The facility must comply with the discharge limits for discharges to water specified in Appendix XIII. The plant must nevertheless limit its emissions as much as possible, even if the emissions are within the prescribed emission limits.

The emission limits specified in Annex XIII apply under normal operating conditions. Normal operating conditions are not considered to be ramping up and down, leaks, malfunctions of the plant, necessary maintenance, sudden stoppage of operation and the like, provided that the obligations to reduce pollution as far as possible, preventive maintenance and the duty to take measures are complied with.

The emission limits specified in Appendix XIII apply in addition to the emission limits in § 10-17.

0 Added by regulation 26 May 2023 no. 782.

### **Section 10-37. Exemptions from emission limits**

The pollution authority can make exceptions to the emission limits stated in § 10-35 and § 10-36, according to the pollution regulations § 36-15 fourth paragraph.

0 Added by regulation 26 May 2023 no. 782.

**Section 10-38. Measurements of emissions to air**

The following measurements of emissions to air must be carried out:

- a. continuous measurements of total dust, total volatile organic carbon (TOC), hydrogen chloride (HCl), hydrogen fluoride (HF), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO) and mercury (Hg)

- b. continuous measurement of NH<sub>3</sub> when selective non-catalytic reduction (SNCR) is used and/or selective catalytic reduction (SCR)
- c. at least one measurement every six months of metals and metalloids as indicated in emission limits for in Annex XII, excluding mercury (Hg)
- d. at least one short-term sampling of polychlorinated dibenzo-p-dioxins and furans (PCDD/F) and dioxin-like polychlorinated biphenyls (dioxin-like PCBs) every six months

Short-term sampling of dioxin-like PCBs is not necessary if the emissions are shown to be less than 0.01 ng WHO-TEQ/Nm<sup>3</sup> e. at least one<sup>3</sup>

long-term sampling of PCDD/F and dioxin-like PCBs every month. This does not apply if the emission levels are shown to be stable.

Long-term sampling of dioxin-like PCBs is not necessary if the emissions are shown to be less than 0.01 ng WHO-TEQ/Nm<sup>3</sup>

For periodic measurement, the measurement frequency does not apply if the sole purpose of the facility's operation is to carry out measurement.

The measurements must be carried out in accordance with the requirements for measuring methods and measuring equipment in Annex III to this chapter.

The pollution authority can make exceptions to and determine other requirements for measurements.

<sup>0</sup> Added by regulation 26 May 2023 no. 782.

**Section 10-39. Measurements of emissions to water**

The following measurements of emissions to water from flue gas cleaning must be carried out:

- a. daily measurements of total suspended matter (TSS)
  - b. measurements at least monthly of total organic carbon (TOC)
  - c. measurements at least monthly of metals and metalloids that emission limits are specified for in Annex XIII
  - d. measurements at least every month of polychlorinated dibenzo-p-dioxins and -furans (PCDD/F)
- If it has been proven that the emissions are stable, PCDD/F can instead be measured at least once every six months.

The measurements must be carried out in accordance with the requirements for measuring methods and measuring equipment in Annex III to this chapter.

The pollution authority can make exceptions to and determine other requirements for measurements.

<sup>0</sup> Added by regulation 26 May 2023 no. 782.

**Section 10-40. Transitional provision**

The requirements in Part X apply to all facilities covered by Part X from 3 December 2023.

<sup>0</sup> Added by regulation 26 May 2023 no. 782.

## Appendix I. Equivalence factors for polychlorinated dibenzo-p-dioxins and dibenzofurans

For the determination of the total concentration (TE) of "dioxins" shall the emission concentrations of the following polychlorinated dibenzo-p-dioxins and dibenzofurans are multiplied by the following equivalent factors before being summed:

		<i>Toxic equivalent factor</i>
2,3,7,8	Tetrachlorodibenzodioxin (TCDD)	1
1,2,3,7,8	Pentachlorodibenzodioxin (PeCDD)	0.5
1,2,3,4,7,8	Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,6,7,8	Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,7,8,9	Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,4,6,7,8	Heptachlorodibenzodioxin (HpCDD)	0.01
	Octachlorodibenzodioxin (OCDD)	0.001
2,3,7,8	Tetrachlorodibenzofuran (TCDF)	0.1
2,3,4,7,8	Pentachlorodibenzofuran (PeCDF)	0.5
1,2,3,7,8	Pentachlorodibenzofuran (PeCDF)	0.05
1,2,3,4,7,8	Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,6,7,8	Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,7,8,9	Hexachlorodibenzofuran (HxCDF)	0.1
2,3,4,6,7,8	Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,4,6,7,8	Heptachlorodibenzofuran (HpCDF)	0.01
1,2,3,4,7,8,9	Heptachlorodibenzofuran (HpCDF)	0.01
	Octachlorodibenzofuran (OCDF)	0.001

## Appendix II. Limit values for emissions to air from co-incineration plant

Emission limits for co-incineration plants, hereafter called "total emission limits", must cover the same emission parameters as for waste incineration plants, cf. appendix V to this chapter.

If a total emission limit (C) is stated in points 1 to 3 of this appendix, this used. For emission parameters where such a limit value is not specified, total emission limits shall be calculated as:

$$C = (V_{waste} \times C_{waste} + V_{process} \times C_{process}) / (V_{waste} + V_{process})$$

**V : waste** The volume of flue gas from the incineration of waste determined based on the type of waste in the emissions permit that has the lowest effective (wet) calorific value, and standardized to the reference conditions specified in Annex X to this chapter.

If ignited effect from the combustion of hazardous and/or infectious waste together constitute less than 10% of the total installed power at the facility, shall the flue gas volume from this waste be calculated based on a theoretical quantity of waste which, if incinerated, would have accounted for 10% of the actual value for total installed power.

**C : waste** Emission limit for waste incineration plants stated in Appendix V hereto chapter letter a, c and d.

V : process

The volume of flue gas from the process in the facility, including combustion of ordinary fuel, but without incineration of waste. The volume should be standardized to an oxygen content as stated in point 2.1 hereof the appendix or, if the facility in question is not covered here, to a oxygen content as laid down in regulations or permits for the relevant one the plant type when burning ordinary fuel. If such regulations or such oxygen content does not exist, the actual oxygen content shall in the flue gas, without the supply of air which is unnecessary for the process, used. The flue gas volume must also be standardized to the others the reference conditions specified in Annex X to this chapter.

C : process

Emission limit as stated in point 2.1 of this appendix or, if so limit value is not specified for the emission parameter in question, emission limit laid down in regulations or permits for the person in question the plant type when burning ordinary fuel. If such regulations or such emission limit does not exist, the real one shall the emission concentration in the flue gas is used.

The results of emission measurements must be standardized to an oxygen content as specified in connection to table values for total emission limit (C) in this appendix. For emission parameters there such oxygen content is not specified, the results must be standardized to an oxygen content which is calculated as a weighted mean value of the oxygen content used during the determination of V and waste

$V_{\text{process}}$ , with  $V_{\text{waste}}$  and  $V_{\text{process}}$  as weights

Total emission limits are given as 24-hour average values or average values over 4 to 8 hours or 6 to 8 hours. Exceptionally, if C is given as an hourly mean value, the total is stated the emission limit as an hourly average value, cf. appendix V to this chapter letter d. The daily average values shall be considered as "floating average values", i.e. that the emission limits shall be observed over any period of 24 hours duration. When measuring emissions, there is only a need for half-hourly and ten-minute mean values for calculating the 24-hour mean values.

### 1. Special provisions for cement kilns

The following emission limits are stated as 24-hour average values unless otherwise stated. The results of emission measurements must be standardized to 10% oxygen.

#### 1.1. Total emission limits

<b>Emission parameter</b>	<b>C</b>	<b>Unit</b>
Total dust	30	mg/Nm <sup>3</sup>
TOC	10	mg/Nm <sup>3</sup>
HCl	10	mg/Nm <sup>3</sup>
HF	1	mg/Nm <sup>3</sup>
SO <sub>2</sub>	50	mg/Nm <sup>3</sup>
NO <sub>x</sub>	500	mg/Nm <sup>3</sup>

Mean values over a sampling period of a minimum of 4 hours and a maximum of 8 hours:

<b>Emission parameter</b>	<b>C</b>	<b>Unit</b>
Cd+Tl	0.05	mg/Nm <sup>3</sup>
Hg	0.05	mg/Nm <sup>3</sup>
Sb+As+Pb+Cr+Co+Cu+Mn+Ni+V	0.5	mg/Nm <sup>3</sup>

Mean values over a sampling period of minimum 6 hours and maximum 8 hours:

<b>Emission parameter</b>	<b>C</b>	<b>Unit</b>
Dioxins, defined according to Annex I to this chapter	0.1	ng/Nm <sup>3</sup>

The pollution authority can make exceptions to the emission requirements for TOC and SO<sub>x</sub> increases where the emissions of these parameters do not originate from the incineration of waste.

## 1.2. Emission limits for CO

Emission limits for CO can be set by the pollution authority.

## 2. Special provisions for combustion plants with the exception of gas turbines and gas engines

### 2.1. C<sub>process</sub>

The following emission limits are stated as 24-hour average values and expressed in mg/Nm<sup>3</sup>. The flue gas volume V<sub>process</sub> must be standardized to an oxygen content as indicated above each table. Total nominal input thermal power, as indicated in the tables, must be calculated according to the provisions of regulation 1 June 2004 no. 931 on the limitation of pollution (pollution regulations) § 31-4.

#### 2.1.1. Existing heating system

The following emission limits apply to combustion plants that have a permit from before 7 January 2013 and combustion plant where the operator has submitted a complete application for permission by 7 January 2013, provided that the combustion plant is put into operation no later than 7 January 2014.

Combustion of solid fuel, with the exception of biomass (oxygen content 6%):

<b>Emission parameter</b>	<b>&lt; 50 MWt</b>	<b>50–100 MWt</b>	<b>100–300 MWt</b>	<b>&gt; 300 MWt</b>
SO <sub>2</sub>		400 for turf: 300	200	200
NO <sub>x</sub>		300 too powdered lignite: 400	200	200
Total dust	50	30	25 for turf: 20	20

Combustion of biomass (oxygen content 6%):

<b>Emission parameter</b>	<b>&lt; 50 MWt</b>	<b>50–100 MWt</b>	<b>100–300 MWt</b>	<b>&gt; 300 MWt</b>
SO <sub>2</sub>		200	200	200
NO <sub>x</sub>		300	250	200
Total dust	50	30	20	20

Combustion of liquid fuel (oxygen content 3%):

<b>Emission parameter</b>	<b>&lt; 50 MWt</b>	<b>50–100 MWt</b>	<b>100–300 MWt</b>	<b>&gt; 300 MWt</b>
SO <sub>2</sub>		350	250	200
NO <sub>x</sub>		400	200	150

Total dust	50	30	25	20
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### 2.1.2. New heating systems

The following emission limits apply to all combustion plants other than the plants specified in point 2.1.1.

Combustion of solid fuel, with the exception of biomass (oxygen content 6%):

<b>Emission parameter</b>	<b>&lt; 50 MWt</b>	<b>50–100 MWt</b>	<b>100–300 MWt</b>	<b>&gt; 300 MWt</b>
SO <sub>2</sub>		400 for turf: 300	200 for turf: 300, excl for fluidized beds combustion: 250	150 too circulating or pressurized fluidized bed combustion or, when fired with turf, all types fluidized bed combustion: 200
NO <sub>x</sub>		300 for turf: 250	200	150 too powdered lignite: 200
Total dust	50	20	20	10 for turf: 20

Combustion of biomass (oxygen content 6%):

<b>Emission parameter</b>	<b>&lt; 50 MWt</b>	<b>50–100 MWt</b>	<b>100–300 MWt</b>	<b>&gt; 300 MWt</b>
SO <sub>2</sub>		200	200	150
NO <sub>x</sub>		250	200	150
Total dust	50	20	20	20

Combustion of liquid fuel (oxygen content 3%):

<b>Emission parameter</b>	<b>&lt; 50 MWt</b>	<b>50–100 MWt</b>	<b>100–300 MWt</b>	<b>&gt; 300 MWt</b>
SO <sub>2</sub>		350	200	150
NO <sub>x</sub>		300	150	100
Total dust	50	20	20	10

### 2.2. Total emission limits

The results of emission measurements must be standardized to 6% oxygen for solid fuel and 3% oxygen for liquid fuel. Mean values over a sampling period of at least 6 hours and maximum 8 hours:

<b>Emission parameter</b>	<b>C</b>	<b>Unit</b>
Cd+Tl	0.05	mg/Nm <sup>3</sup>
Hg	0.03	mg/Nm <sup>3</sup>
Sb+As+Pb+Cr+Co+Cu+Mn+Ni+V	0.5	mg/Nm <sup>3</sup>
Dioxins, defined according to Annex I to this chapter	0.1	ng/Nm <sup>3</sup>

### 3. Special provisions for industrial sectors not covered under points 1 and 2

#### 3.1. Total emission limits

Mean values over a sampling period of minimum 6 hours and maximum 8 hours:

<b>Emission parameter</b>	<b>C</b>	<b>Unit</b>
Cd+Tl	0.05	mg/Nm <sup>3</sup>
Hg	0.03	mg/Nm <sup>3</sup>
Dioxins, defined according to Annex I to this chapter	0.1	ng/Nm <sup>3</sup>

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

### Appendix III. Requirements for measuring methods and measuring equipment

- All measurements at an incineration plant, of emissions to air and water, operating parameters, noise etc., must be done representatively.
- All measurements must mainly be carried out according to CEN standards. If CEN standards do not exist, standards must be used that ensure the acquisition of data by an equivalent scientific quality. Preferably, the Norwegian standard or, where such a standard is used do not exist, ISO standards or other international standards. If applicable standards is not available, the measurement method chosen must be relevant, and it must be documented with an indication of the overall measurement accuracy.
- All measurements must be carried out according to recognized methods for quality assurance. If used external measuring bodies for sampling and/or analysis, the measuring bodies shall, as far as possible possible, be accredited.
- Measuring equipment for continuous measurement of emissions to air and water must be checked at least every twelfth month using parallel measurements.
- Measuring equipment for continuous measurement of emissions to air must have an accuracy that is such that the value of the 95% confidence interval for a single measurement result, at the 24-hour mean level for the emission limits, do not exceed the following percentages of the 24-hour average values:

Total dust:	30%
TOC:	30%
HCl:	40%
HF:	40%
SO <sub>2</sub> :	20%
EN <sub>x</sub> :	20%
CO:	10%

- Continuous measurement of CO emissions to air must be ensured in particular, if necessary at the time of acquisition of readiness meter. This must be put into use as soon as possible if the ordinary measuring equipment fails or is out of service for other reasons. See also Appendix X to this chapter, point 2 on failure and maintenance of measuring equipment.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

### Appendix IV. Limit values for emissions to water from cleaning of flue gas

<b>Emission parameter</b>	<b>Emission limits for unfiltered</b>
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	24-hour mixed samples	
	A (100%) <sup>2</sup>	B (95%) <sup>3</sup>
Total amount of suspended matter <sup>1</sup>	45 mg/l	30 mg/l
Mercury and mercury compounds, expressed as mercury (Hg)	0.03 mg/l	
Cadmium and cadmium compounds, expressed as cadmium (Cd)	0.05 mg/l	
Thallium and thallium compounds, expressed as thallium (Tl)	0.05 mg/l	
Arsenic and arsenic compounds, expressed as arsenic (As)	0.15 mg/l	
Lead and lead compounds, expressed as lead (Pb)	0.2 mg/l	
Chromium and chromium compounds, expressed as chromium (Cr)	0.5 mg/l	
Copper and copper compounds, expressed as copper (Cu)	0.5 mg/l	
Nickel and nickel compounds, expressed as nickel (Ni)	0.5 mg/l	
Zinc and zinc compounds, expressed as zinc (Zn)	1.5 mg/l	
Dioxins, defined in accordance with Annex I hereto the chapter	0.3 ng/l	

1 As defined in regulation 1 June 2004 no. 931 on the limitation of pollution chapter 15B on the cleaning of wastewater.

2 Emission limit that 100% of the measurements must comply with.

3 Emission limit that at least 95% of the measurements must comply with over a continuous one-year period (in addition to 100% the border).

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

## Appendix V. Limit values for emissions to air from waste incineration plant

The results of emission measurements must be standardized to 11% oxygen with the exception of results from the combustion of waste oil which is standardized to 3% oxygen.

### a. Daily average values

Emission parameter	Emission limits	Unit
Total dust	10	mg/Nm <sup>3</sup>
Gaseous and vaporous organic compounds, expressed as total organic carbon (TOC)	10	mg/Nm <sup>3</sup>
Hydrogen chloride (HCl)	10	mg/Nm <sup>3</sup>
Hydrogen fluoride (HF)	1	mg/Nm <sup>3</sup>
Sulfur dioxide (SO <sub>2</sub> ) <sup>2</sup>	50	mg/Nm <sup>3</sup>
Nitrogen monoxide (NO) and nitrogen dioxide (NO <sub>2</sub> ), expressed as nitrogen dioxide <sup>2</sup>	200	mg/Nm <sup>3</sup>

### b. Half-hour average values

Emission parameter	Emission limits		Unit
	A (100%) <sup>1</sup>	B (97%) <sup>2</sup>	

	1		
Total dust	30	10	mg/Nm <sup>3</sup>
Gaseous and vaporous organic compounds, expressed as total organic carbon (TOC)	20	10	mg/Nm <sup>3</sup>
Hydrogen chloride (HCl)	60	10	mg/Nm <sup>3</sup>
Hydrogen fluoride (HF)	4	2	mg/Nm <sup>3</sup>
Sulfur dioxide (SO <sub>2</sub> )	200	50	mg/Nm <sup>3</sup>
Nitrogen monoxide (NO) and nitrogen dioxide (NO <sub>2</sub> ), expressed as nitrogen dioxide	400	200	mg/Nm <sup>3</sup>

1 Emission limit that 100% of the measurements must comply with.

2 Emission limit that at least 97% of the measurements must comply with over a continuous one-year period (as an alternative to comply with the 100% limit).

c. Mean values over a sampling period of a minimum of 6 hours and a maximum of 8 hours

Emission parameter	Emission limits	Unit
Cadmium and cadmium compounds, expressed as cadmium (Cd) Thallium and thallium compounds, expressed as thallium (Tl)	total 0.05	mg/Nm <sup>3</sup>
Mercury and mercury compounds, expressed as mercury (Hg)	0.03	mg/Nm <sup>3</sup>
Antimony and antimony compounds, expressed as antimony (Sb) Arsenic and arsenic compounds, expressed as arsenic (As) Lead and lead compounds, expressed as lead (Pb) Chromium and chromium compounds, expressed as chromium (Cr) Cobalt and cobalt compounds, expressed as cobalt (Co) Copper and copper compounds, expressed as copper (Cu) Manganese and manganese compounds, expressed as manganese (Mn) Nickel and nickel compounds, expressed as nickel (Ni) Vanadium and vanadium compounds, expressed as vanadium (V)	a total of 0.5	mg/Nm <sup>3</sup>
Dioxins, defined in accordance with Annex I hereto the chapter	0.1	ng/Nm <sup>3</sup>

The average values above include total emissions in gas and particle phase of the relevant ones the heavy metals and compounds in which these are included.

d. Mean values for carbon monoxide (CO)

- 50 mg/Nm<sup>3</sup> as a daily average value

- 100 mg/Nm<sup>3</sup> as a half-hour average value, 150 mg/Nm<sup>3</sup> as an hourly average value.

2

The pollution authority can make exceptions to the emission requirements for CO for facilities that are equipped with fluidized bed technology provided that an emission limit of a maximum of 100 is set mg/Nm<sup>3</sup> hourly mean value.

1 Emission limit that 100% of the measurements, calculated as half-hour means, must comply with.

2 Emission limit that at least 95% of the measurements, calculated as hourly average values, must comply with over a rolling 24-hour period (as an alternative to meeting the 100% limit).

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

## Appendix VI. Formula for calculating the emission concentration at standard oxygen concentration

$$U_{\xi} [(21 - O_{\xi}) / (21 - O_{\eta})] \times U_{MM}$$

$U_{\xi}$  Calculated emission concentration at standard oxygen concentration

$U_{\eta}$  Measured emission concentration

$O_{\xi}$  Standard oxygen concentration (in percent)

$O_{\eta}$  Measured oxygen concentration (in percent)

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

## Appendix VII. Formula for calculating normalized discharge concentration in waste water

$$K_{\eta} (A_{\eta} / A_{\xi}) \times K$$

$K_{\eta}$  Calculated discharge concentration for a normal amount of waste water

$K_{\xi}$  Measured emission concentration

$A_{\eta}$  Measured amount of wastewater per ton of incinerated waste

$A_{\xi}$  Limit value for normal amount of waste water per tonne of incinerated waste

## Appendix VIII. Contents of a discharge permit

In addition to the requirements that follow from this chapter, a discharge permit for a incineration plant at least

- a. contain a list of all types of waste that can be processed at the facility, b. state the facility's nominal capacity (annual capacity and hourly capacity), and c. state the measurement, sampling and analysis methods to be used when measuring emissions to air and water.

If the incineration plant is to treat hazardous and/or infectious waste, it must the discharge permit, in addition to the points above, at least

- a. contain a list of the quantities of the different types of hazardous and infectious waste that can be treated, and
- b. state the minimum and maximum amount of waste per hour for this waste, its upper and lower limits for effective (wet) calorific value and its maximum content of PCB, PCP, chlorine, fluorine, sulphur, heavy metals and other pollutants.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

## Appendix IX. Combustion conditions

### 1. Combustion temperature and residence time

Combustion plants must be designed, built and operated so that the temperature in the combustion gases, after the last injection of combustion air, is increased in a controlled and uniform manner to at least 850 °C for at least 2 seconds.

For incineration plants that burn hazardous waste and/or infectious waste that contains more than 1% halogenated organic compounds, expressed as chlorine (Cl), the temperature must be increased to at least 1100 °C for at least 2 seconds.

## 2. Support burner

Each line in a waste incineration plant must be equipped with at least one auxiliary burner. This the auxiliary burner must be switched on automatically if the temperature in the combustion gases, after the last injection of combustion air, falls below 850 °C or 1100 °C.

The support burner must also be used when driving up and down the waste incineration plant in order to ensure that the temperature remains at 850 °C or 1100 °C as long as there is unburned waste in the combustion chamber.

The auxiliary burner must not be operated with fuel that can cause higher emissions than when burning gas oil, liquefied gas or natural gas.

## 3. Input of waste

- Incineration plants must have a system that prevents the introduction of waste a. when the temperature in the combustion gases, after the last injection of combustion air, falls below 850 °C or 1100 °C, b. when starting up the plant, before the temperature has reached 850 °C or 1100 °C, and c. when the continuous measurements carried out at the plant show that the set emission limits exceeded as a result of disturbances or failure of the treatment plant.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

# Appendix X. Standardization of measurement results and calculation of mean values for emissions to air

## 1. Standardization of measurement results

The results of measurements carried out at an incineration plant must be standardized to the following reference conditions: temperature 273.15 K, pressure 101.3 kPa and dry gas.

Measurement results from waste incineration and co-incineration plants shall, as a general rule, be standardized to an oxygen content as specified in Annex V and Annex II to this chapter, respectively.

When burning waste in an atmosphere with added oxygen, the measurement results can be standardized to an oxygen content determined by the pollution authority, which takes into account the special conditions that exist.

In the case of incineration of hazardous and/or infectious waste, standardization with regard to oxygen content shall only be carried out if the actual oxygen content in the flue gas, determined for the period during which the emission measurements are carried out, exceeds the relevant reference condition for oxygen content given in this appendix.

Standardization with regard to oxygen content must in all cases be carried out according to the formula in Annex VI to this chapter.

## 2. Calculation of mean values

When calculating hourly, half-hourly and ten-minute mean values from emission measurements carried out at an incineration plant, measurement values from the entire normal operating time of the plant must be used. Running up and down the facility, as long as no waste is incinerated, is not considered ordinary operation, cf. § 10-3 letter h. The daily average values must be determined from the calculated hourly, half-hourly or ten-minute average values.

In order to obtain a valid 24-hour average value, no more than two hourly, five half-hourly or fifteen ten-minute average values per day can be discarded due to failure or maintenance of the continuous measuring equipment. No more than ten 24-hour average values may, over a rolling one-year period, be rejected due to such problems with the measuring equipment. The daily average values referred to here must be calculated over a fixed period of 24 hours.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

## Appendix XI. Conditions for exemption from the measurement requirements for heavy metals and dioxins

Exceptions to the requirement for periodic measurements of heavy metals and dioxins in § 10-21 can be made given that

- a. the incineration plant only processes waste that
  1. consists of sorted, combustible waste fractions, 2. has certain characteristic properties, 3. is specified in more detail on the basis of assessments stated in letter b, 4. is not suitable for material recycling, 5. is not hazardous or infectious waste, and
- b. the operator can document, based on information on the quality of the waste and on emission measurements, that the emissions of heavy metals and dioxins are significantly below the emission limits laid down in Annex V or Annex II to this chapter.

0 Amended by regulation 26 July 2016 no. 950 (in force 1 August 2016).

## Appendix XII. Emission limits for emissions to air from facilities covered by Part X

All emission limit values refer to concentrations under the following standard conditions: dry gas at a temperature of 273.15 K and a pressure of 101.3 kPa, expressed in mg/Nm<sup>3</sup>, µg/Nm<sup>3</sup>, ng I-TEQ/Nm<sup>3</sup> or ng WHO-TEQ/Nm<sup>3</sup>. Standardized O content is 11 volume percent (dry gas).

The following definitions apply to averaging times:

Type of measurement	Average period	Definition
Continuous	Half-hour average value	Mean value over a period of 30 minutes
Continuous	Daily mean value	Mean value over a period of 24 hours based on valid half-hourly mean values
Periodic	Average during the sampling period	Mean value of three consecutive measurements of at least 30 minutes each <sup>1</sup>  For PCDD/F and dioxin-like PCBs, a sampling period of 6–8 hours is used for short-term sampling
Periodic	Long-term sampling	Value over a sampling period of 2-4 weeks

<sup>1</sup> For parameters where sampling/measurement in 30 minutes and/or an average value of three consecutive measurements is unsuitable due to limitations in connection with sampling or analysis, a more suitable procedure can be used.

When waste is co-incinerated with other fuels, the emission limits for emissions to air apply to the entire amount of flue gas produced.

By channeled emissions is meant the release of polluting substances into the environment through all types ducts, pipes, chimneys, flues, etc.

Table 1. Emission limits for channelized emissions, for installations that have received permission for the first time, or has been completely replaced, after 3 December 2019

<b>Emission parameter</b>	<b>Emission limit</b>	<b>Unit</b>	<b>mg/Nm<sup>3</sup></b>	<b>Mediation time</b>
Total dust	< 2–5		<sup>3</sup>	daily mean value
The sum of cadmium (Cd), thallium (Tl) and their compounds, expressed as Cd+Tl.	0.005–0.02	mg/Nm	<sup>3</sup>	average i the sampling period
The sum of antimony, arsenic, lead, chromium, cobalt, copper, manganese, nickel, vanadium and their connections, expressed as Sb+As+Pb+Cr+Co+Cu+Mn+Ni+V.	0.01–0.3	mg/Nm	<sup>3</sup>	average i the sampling period
Hydrogen chloride (HCl)	< 2–6	mg/Nm	<sup>3</sup>	daily mean value
Hydrogen fluoride (HF)	< 1	mg/Nm	<sup>3</sup>	daily mean value
Sulfur dioxide (SO <sub>2</sub> )	5–30	mg/Nm	<sup>3</sup>	daily mean value
The sum of nitrogen monoxide (NO) and nitrogen dioxide (NO <sub>2</sub> ) expressed as NO <sub>2</sub>	50–120	mg/Nm	<sup>3</sup>	daily mean value
carbon monoxide (CO)	10–50	mg/Nm	<sup>3</sup>	daily mean value
Ammonia (NH <sub>3</sub> ) from use of selective non-catalytic reduction SNCR and/or selective catalytic reduction SCR	2–10	mg/Nm	<sup>3</sup>	daily mean value
Total volatile organic carbon, expressed as C (TOC)	< 3–10	mg/Nm	<sup>3</sup>	daily mean value
Polychlorinated dibenzo-p-dioxins and furans (PCDD/F) <sup>1</sup>	< 0.01–0.04	ng I-TEQ/Nm	<sup>3</sup>	average i the sampling period
Polychlorinated dibenzo-p-dioxins and furans (PCDD/F) <sup>1</sup>	< 0.01–0.06	ng I-TEQ/Nm	<sup>3</sup>	long-term sampling <sup>2</sup>
PCDD/F + dioxin-like polychlorinated biphenyls (dioxin-like PCBs) <sup>1</sup>	< 0.01–0.06	ng WHO TEQ/Nm	<sup>3</sup>	average i the sampling period
PCDD/F + dioxin-like polychlorinated biphenyls (dioxin-like PCBs) <sup>1</sup>	< 0.01–0.08	ng WHO TEQ/Nm	<sup>3</sup>	long-term sampling <sup>2</sup>
The sum of mercury (Hg) and mercury compounds, expressed as Hg	< 5–20	µg/Nm	<sup>3</sup>	daily mean value

1 If the emission of dioxin-like PCBs is detected to be below 0.01 ng WHO-TEQ/Nm<sup>3</sup> must the emission limit values for PCDD/F are used. If the release of dioxin-like PCBs has not been proven to be below 0.01 ng WHO-TEQ/Nm<sup>3</sup>, the emission limit values for PCDD/F + dioxin-like PCBs must be used.

2 The emission limit value does not apply if it has been demonstrated that the emission levels are stable.

Table 2. Emission limits for channelized emissions for plants that have received permission for the first time before 4 December 2019, and which have not been completely replaced after 3 December 2019

Emission parameter	Emission limit	Unit	Averaging time
Total dust	1 < 2–5	mg/Nm <sup>3</sup>	daily mean value
The sum of cadmium (Cd), thallium (Tl) and their compounds, expressed as Cd+Tl.	0.005–0.02	mg/Nm <sup>3</sup>	average i the sampling period
The sum of antimony, arsenic, lead, chromium, cobalt, copper, manganese, nickel, vanadium and their connections, expressed as Sb+As+Pb+Cr+Co+Cu+Mn+Ni+V.	0.01–0.3	mg/Nm <sup>3</sup>	average i the sampling period
Hydrogen chloride (HCl)	< 2–8	mg/Nm <sup>3</sup>	daily mean value
Hydrogen fluoride (HF)	< 1	mg/Nm <sup>3</sup>	daily mean value
Sulfur dioxide (SO <sub>2</sub> )	5–40	mg/Nm <sup>3</sup>	daily mean value
The sum of nitrogen monoxide (NO) and nitrogen dioxide (NO <sub>2</sub> ) expressed as NO <sub>2</sub>	2 50–150	mg/Nm <sup>3</sup>	daily mean value
Carbon monoxide (CO)	10–50	mg/Nm <sup>3</sup>	daily mean value
Ammonia (NH <sub>3</sub> ) from use of selective non-catalytic reduction SNCR and/or selective catalytic reduction SCR	2–10	mg/Nm <sup>3</sup>	daily mean value
Total volatile organic carbon, expressed as C (TOC)	< 3–10	mg/Nm <sup>3</sup>	Daily average value
Polychlorinated dibenzo-p-dioxins and furans (PCDD/F)	< 0.01–0.06	ng I-TEQ/Nm <sup>3</sup>	average i the sampling period
Polychlorinated dibenzo-p-dioxins and furans (PCDD/F)	< 0.01–0.08	ng I-TEQ/Nm <sup>3</sup>	long-term sampling <sup>5</sup>
PCDD/F + dioxin-like polychlorinated biphenyls (dioxin-like PCBs)	< 0.01–0.08	ng WHO TEQ/Nm <sup>3</sup>	average i the sampling period
PCDD/F + dioxin-like polychlorinated biphenyls (dioxin-like PCBs)	< 0.01–0.1	ng WHO TEQ/Nm <sup>3</sup>	long-term sampling <sup>5</sup>
The sum of mercury (Hg) and mercury compounds, expressed as Hg	< 5–20	µg/Nm <sup>3</sup>	daily mean value

1 For installations for the incineration of hazardous waste, and where a bag filter cannot be used, the upper limit is i the interval 7 mg/Nm<sup>3</sup>.

2 The upper limit of the interval is 180 mg/Nm if SCR is not applicable.

3 The upper limit of the interval is 15 mg/Nm for plants equipped with SNCR without wet

reduction techniques.

4 If the emission of dioxin-like PCBs has been detected to be below 0.01 ng WHO-TEQ/Nm must<sup>3</sup> the emission limit values for PCDD/F are used. If the release of dioxin-like PCBs has not been proven to be below 0.01 ng WHO-TEQ/Nm, the emission<sup>3</sup> limit values for PCDD/F + dioxin-like PCBs must be used.

5 The emission limit value does not apply if it has been proven that the emission levels are stable.

0 Repealed by regulation 26 July 2016 no. 950 (in force 1 August 2016), added by regulation 26 May 2023 no. 782.

## Appendix XIII Discharge limits for discharges to water from facilities covered by Part X

The emission limit values for emissions to water refer to concentrations expressed in mg/l or ng I-TEQ/l.

The emission limit values refer to 24-hour average values, i.e. 24 hours flow-proportional aggregate samples. Time-proportional aggregate samples can be used if adequate throughput stability is demonstrated. For TSS can daily 24-hour flow-proportional aggregate samples are replaced by daily random sampling.

Emission limit values for emissions to water apply at the point where the emissions leave the facility. Where waste water is treated in a treatment plant that also treats waste water from other sources, can the cleaning that takes place in this treatment plant be taken into account when assessing whether the emission limits for TOC and TSS are complied with, if this does not result in a higher one pollution load on the environment. This must be documented.

Table 1. Emission limit values for emissions to water from cleaning flue gas

<b>Emission parameter</b>	<b>Emission limit</b>	<b>Unit</b>
Total amount of suspended solids (TSS)	10–30	mg/l
Total organic carbon, expressed as C (TOC)	15–40	mg/l
Arsenic and arsenic compounds, expressed as As 0.01–0.05		mg/l
Cadmium and cadmium compounds, expressed as Cd	0.005–0.03	mg/l
Chromium and chromium compounds, expressed as Cr	0.01–0.1	mg/l
Copper and copper compounds, expressed as Cu 0.03–0.15		mg/l
Mercury and mercury compounds, expressed as Hg	0.001–0.01	mg/l
Nickel and nickel compounds, expressed as Ni	0.03–0.15	mg/l
Lead and lead compounds, expressed as Pb	0.02–0.06	mg/l
Antimony and antimony compounds, expressed as Sb 0.02–0.9		mg/l
Thallium and thallium compounds, expressed as Tl 0.005–0.03		mg/l
Zinc and zinc compounds, expressed as Zn	0.01–0.5	mg/l
Polychlorinated dibenzo-p-dioxins and furans (PCDD/F)	0.01–0.05	ng I-TEQ/l

0 Added by regulation 26 May 2023 no. 782.

## Chapter 10a. Sorting and material recycling of certain types of waste

0 Chapters 10a-10c repealed from 1 January 2006, cf. former section 10-35, chapter 10a added by regulation 7 June 2022 No. 971 (in force 1 January 2023).

Established on the basis of Act 13 March 1981 No. 6 on protection against pollution and on waste (Pollution Act) § 30, § 32, § 33, § 49 and § 81, cf. delegation decision of 8 July 1983 no. 1245 and delegation decision 11 June 1993 No. 785.

**EEA references:** EEA Agreement Annex XX Chapter V No. 32ff (Directive 2008/98/EC, as amended by Directive (EU) 2018/851).

### Section 10a-1. Purpose

The purpose of this chapter is to increase material recycling of household waste and commercial waste in order to achieve better resource utilization of waste, protect the environment and reduce greenhouse gas emissions.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

### Section 10a-2. Scope

The provisions in this chapter do not apply to a. EE waste covered by chapter 1, b. scrapped leisure boats covered by chapter 2, c. scrapped batteries covered by chapter 3, d. scrapped vehicles covered by chapter 4, e. discarded tires that are covered by chapter 5, f. beverage packaging that is part of the deposit scheme, g. hazardous waste that is covered by chapter 11, h. construction and demolition waste, i. textile waste.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

### Section 10a-3. Definitions

In this chapter is meant a.

*household waste*; waste from private households cf. Pollution Act § 27a first paragraph, b. *similar household waste*; commercial waste, cf. the Pollution Act § 27a, second paragraph, as i

nature and composition similar to household waste,

c. *food waste*; usable and non-usable food that has become waste cf. the Pollution Act § 27, d. *park and garden waste*; biodegradable waste in the form of branches, grass and the like

biodegradable waste that occurs in private and public gardens, parks and other green areas, and which is collected as a separate type of waste, e. *plastic waste*; plastic that has

become waste cf. Section 27 of the Pollution Act, such as discarded plastic packaging, discarded single-use plastic products and the like. This includes fossil and bio-based plastic products, e.g. *agricultural plastic waste*; plastic waste in the

form of foil (plastic round bales), PP sacks (fertilizer and seed sacks), fiber cloth and solar collector foil, hard plastic packaging and similar plastic materials used for agricultural purposes, g. *sorting*; activity where one or more types of waste are

sorted out for further processing.

Sorting can take place at the source (sorting at source) or in sorting facilities for waste,

h. *source sorting*; any form of sorting out waste where it occurs, i. *material recycling*;

any form of recycling where waste materials are used

manufacture of substances or movable objects that are not waste. Material recycling includes

biological treatment of organic waste. The use of waste for the production of energy or materials to be used as fuel or fillers is not considered material recycling.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

#### **Section 10a-4. Duties for the municipality**

The municipality must ensure a.

that food waste from households is sorted by source sorting, and that at least the following proportion of the total amount of food waste collected from households per year is sorted by source sorting: 55 per cent from and including 2025, 60 per cent from and including 2030 and 70 per cent as of 2035,

b. that park and garden waste from households is sorted by source sorting, c. that plastic waste from households that can be materially recycled is sorted by source sorting, and that at least the following proportion of the total amount of plastic waste that can be materially recycled that is collected from households per year is sorted by source sorting: 50 per cent from and including 2028, 60 per cent from and including 2030 and 70 per cent from and including 2035. Source sorting of plastic waste can be replaced by other sorting if the method gives at least as high a percentage of sorting as with source sorting.

d. that sorted food waste, park and garden waste and plastic waste from households are delivered for material recycling.

The duty in the first paragraph letter d does not apply to sorted food waste and park and garden waste which is recovered by composting at the source.

The Norwegian Environment Agency can provide further guidelines on plastic waste that can be materially recycled cf. first paragraph letter c.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

#### **Section 10a-5. Obligations for businesses that generate household-like waste**

Businesses that generate household-like waste must ensure a. that household-like food waste and park and garden waste are sorted by source sorting, b. that household-like plastic waste that can be materially recycled is sorted by

source sorting. Source sorting of plastic waste can be replaced by other sorting if the method provides at least as high a sorting rate as with source sorting.

c. that sorted food waste, park and garden waste and plastic waste are delivered for material recycling.

The duty in the first paragraph, letter c, does not apply to sorted park and garden waste that is recovered by composting at the source.

The Norwegian Environment Agency can provide further guidelines on plastic waste that can be materially recycled cf. first paragraph letter b.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

#### **Section 10a-6. Obligations for businesses that use agricultural plastics**

Businesses that use agricultural plastic must ensure a. that agricultural plastic waste that can be materially recycled is sorted by source sorting.

Source sorting of agricultural plastic waste can be replaced by other sorting if the method provides at least as high a sorting rate as with source sorting. b. that sorted agricultural plastic waste is delivered for material recycling.

The Norwegian Environment Agency can provide further guidelines on agricultural plastic waste that can be materially recycled cf. first paragraph letter a.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

### **Section 10a-7. Obligations for waste treatment facilities and exporters**

Waste treatment facilities that accept sorted food waste, park and garden waste and plastic waste for material recycling, or whoever exports such sorted waste to treatment facilities abroad, must ensure material recycling of the waste.

If parts of the waste based on a balance of environmental considerations, resource considerations or the best available technology is unsuitable for material recycling, the requirement for material recycling in the first paragraph does not apply to these parts.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

### **Section 10a-8. Documentation obligation**

The municipality must have knowledge of and documentation of the sorting percentage achieved per year cf. § 10a-4 letters a and c, as well as the annual amount of food waste, park and garden waste and plastic waste that is sorted and delivered for material recycling.

Businesses that have obligations under § 10a-5 must have knowledge of and documentation on an annual basis amount of food waste, park and garden waste and plastic waste that has been sorted and delivered for material recycling.

Businesses that have obligations under § 10a-6 must have knowledge of and documentation on an annual basis amount of agricultural plastic waste that has been sorted and delivered for material recycling.

Waste treatment facilities that have obligations under § 10a-7 must have knowledge of and documentation of a. annual amount of sorted food waste, park and garden waste and plastic waste that has been received for material recycling, b. annual amount of sorted food waste, park and garden waste and plastic waste which is material recovered, c. annual amount of sorted food waste, park and garden waste and plastic waste that is assessed as unsuitable for material recycling cf. § 10a-7 second paragraph and what assessments have been made for this waste.

Exporters who have obligations under § 10a-7 must have knowledge of and documentation of a. annual amount of sorted food waste, park and garden waste and plastic waste that has been exported for pre-treatment before material recycling or directly for material recycling at a legal waste facility abroad,

b. annual amount of exported sorted food waste, park and garden waste and plastic waste that has been assessed as unsuitable for material recycling cf. § 10a-7 second paragraph, and what assessments have been made for this waste.

Documentation as mentioned in the first to fifth paragraphs must be kept for at least 5 years and be available for inspection or at the request of the supervisory authority.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

### Section 10a-9. *Duty to report*

The Norwegian Environment Agency can determine requirements for reporting in accordance with the duties in § 10a-4–§ 10a-8.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

### Section 10a-10. *Supervision*

The Norwegian Environment Agency supervises that the provisions in this chapter are complied with by businesses and waste treatment facilities that have permission from the Norwegian Environment Agency and exporters.

The state administrator supervises that provisions in this chapter are complied with by other businesses and waste treatment facilities.

The state administrator supervises the municipality's fulfillment of duties imposed in this chapter, cf. Section 48a of the Pollution Act.

0 Added by regulation 7 June 2022 no. 971 (in force 1 January 2023).

## Chapter 11. Hazardous waste

**Authority:** Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (the Pollution Act) § 20, § 29 and § 31, cf. delegation decision of 8 July 1983 no. 1245.

**EEA references:** EEA Agreement Annex XX Chapter V No. 32ff (Directive 2008/98/EC as amended by Regulation (EU) No. 1357/2014) and No. 32aa (Decision 2000/532/EC as amended by 2001/118/EC, decision 2001/119/EC, decision 2001/573/EC and decision (EU) 2014/955).

0 Amended by regulation 16 May 2023 no. 962.

### Section 11-1. *Purpose*

The purpose of the provisions in this chapter is to ensure that hazardous waste is handled in such a way that it does not cause pollution or damage to people or animals, or the risk of this, and to contribute to an appropriate and sound system for handling hazardous waste .

### Section 11-2. *Scope and definition of hazardous waste*

The provisions in this chapter apply to the storage, transport and handling of hazardous waste.

Hazardous waste means a.

waste that must be classified as hazardous in accordance with appendix 1 to this chapter, b. other waste that must be classified as hazardous in accordance with appendix 2 to this chapter.

For explosive waste classified as hazardous waste in accordance with Annex 1 No. 5 subsections 1601 and 1604, cf. Annex 1 No. 3, or as hazardous waste of type HP 1 or HP 15 in accordance with Annex 2 No. 1, applies regulation 26 June 2002 no. 922 on the handling of explosive substances instead of the provisions in § 11-5 to § 11-18.

If the waste owner can document that waste to be classified as hazardous in accordance with the second paragraph does not show hazardous properties as mentioned in Annex 2, No. 2, the Norwegian Environment Agency or the person authorized by the Ministry of Climate and Environment can decide that the waste is nevertheless not to be considered hazardous.

The owner of waste is responsible for assessing whether the waste is covered by the provisions in this chapter. In the case of waste that is not specified as hazardous in Annex 1 No. 5 and is also not mentioned in Annex 1 No. 3, second paragraph, the responsibility still applies only insofar as the waste owner suspects or should suspect that the waste is to be classified as hazardous in accordance with the Annex 2 to this chapter. In cases of doubt, the Norwegian Environment Agency or the person authorized by the Ministry of Climate and Environment can decide whether the waste is covered by the provisions in this chapter.

0 Amended by regulations 9 Sep 2015 no. 1042 as amended by regulations 29 Oct 2015 no. 1254 (in force 29 Oct 2015), 9 Sep 2015 no. 1042 as amended by regulation 15 Dec 2015 no. 1697 (in force 1 Jan 2016), 22 Dec 2016 no. 1855, 30 Sep 2020 no. 1996, 16 May 2023 no. 962.

### Section 11-3. *Other definitions*

In this chapter, a. waste means :

- movable objects and substances which, in accordance with Section 27 of the Pollution Act, must be considered as waste,
- b. *dangerous substances*: substances that must be classified as dangerous in accordance with Regulation (EC) No. 1272/2008 Article 3, cf. Regulation 16 June 2012 No. 622 on classification, labeling and packaging of substances and mixtures (CLP),
- c. *handling*: a collective term for reception, recycling and final treatment, including preparations for and storage pending recycling or final treatment. However, the term does not include storage pending delivery at a business that has generated the waste itself,
- d. *reception*: an offer, stationary or mobile, where the waste owner can deliver hazardous waste, e. *facilities for the treatment of hazardous waste*: facilities that carry out physical, chemical or biological processes that change the properties of the hazardous waste.

0 Amended by regulations 9 Sep 2015 no. 1042 as amended by regulations 29 Oct 2015 no 1254 (in force 29 Oct 2015 for letter ac), 9 Sep 2015 no 1042 as amended by regulations 29 Oct 2015 no 1254 (in force 1 Jan 2016).

### Section 11-4. *(Repealed)*

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 December 2013 no. 1757 (in force 1 January 2014), repealed by regulation 9 September 2015 no. 1042 as amended by regulation 29 October 2015 no. 1254 (in force 29 October 2015).

### Section 11-5. *Proper storage, etc. of hazardous waste*

Hazardous waste must be handled in a responsible manner. Anyone who stores, transports or handles hazardous waste must take the necessary measures to avoid the risk of contamination or harm to people or animals.

Hazardous waste must not be mixed with other waste. Different types of hazardous waste must not be mixed together if this could cause a risk of contamination, or create problems for the further handling of the waste.

The person who handles hazardous waste, cf. § 11-3 letter c, must, on request, present written documentation showing that the person in question has sufficient competence to handle the waste. This also applies to those who professionally transport hazardous waste, unless such transport is carried out by a business that has generated the waste itself.

[Regulation 1 April 2009 no. 384 on land transport of dangerous goods](#) applies to the transport of dangerous goods waste to the extent determined by the regulations, cf. § 2 cf. § 12.

0 Amended by [regulations 9 Sep 2015 no. 1042](#) (in force 1 Jan 2016), [30 Sep 2020 no. 1996](#).

#### **Section 11-6. Permit for the handling of hazardous waste**

Anyone who handles hazardous waste must have a permit in accordance with [section 11 of the Pollution Act](#).

For facilities for the reception and intermediate storage of hazardous waste, the requirements in appendix 4 to this chapter also apply, unless the pollution authority has set stricter requirements in the permit. The requirements in appendix 4 do not apply to municipal arrangements for the reception of hazardous waste that fall under section 11-7 letter e and [which are regulated by appendix 3 to this chapter](#). Appendix 4 no. 4 on financial security still applies to municipal receptions with limited liability which are regulated by Appendix 3 to this chapter.

0 Amended by [regulations 21 June 2010 no. 1073](#), [15 March 2013 no. 284](#) (in force 1 July 2013), [19 Dec 2013 no. 1757](#) (in force 1 Jan 2014), [9 Sep 2015 no. 1042](#) (in force 1 Jan 2016).

#### **Section 11-7. Exemption from the requirement for permission**

The requirement for a permit according to § 11-6 does not apply to a. a business that has a permit based on [Section 11 of the Pollution Act for the handling of hazardous waste from its own business](#), b. recycling of its own hazardous waste that takes place within the premises of the business unit, if the recycling process does not involve risk of pollution, cf. [Pollution Act § 7, c. offer from the individual retailer to the consumer to accept hazardous waste from similar products that the retailer trades](#), d. receipt of hazardous waste from ships covered by the regulations of 1 June 2004 No.

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[limitation of pollution chapter 20 on the delivery and reception of waste and cargo residues from ships](#) and has a total storage capacity of a maximum of 50 tonnes, e. municipal arrangements for the reception of hazardous waste, cf. the duty in § 11-10, [which are operated by the individual municipality or by inter-municipal cooperation](#) and has a total storage capacity of a maximum of 50 tonnes.

Reception arrangements covered by this exception are permitted to receive up to 1,500 kg of hazardous waste per year per waste owner and must be operated in accordance with the requirements set out in appendix 3 to this chapter, e.g. dealers who receive

smaller quantities of batteries as well as actors who have an agreement with return company and collects portable batteries from dealers. The requirement also does not apply to smaller sorting facilities and smaller collection sites that have an agreement with a return company in accordance with chapter 3.

0 Amended by [regulations 24 Oct 2012 no. 989](#), [9 Sep 2015 no. 1042](#) (in force 1 Jan 2016), [15 Jan 2018 no. 56](#).

#### **Section 11-8. Delivery obligation**

Businesses where hazardous waste is generated must deliver this to the person who according to § 11-6 and § 11-7 can handle the waste, or to businesses outside Norway in accordance with the rules on cross-border transport of waste in chapter 13. The hazardous waste must be delivered at least 1 time per year. The obligation does not come into effect until the total quantity of hazardous waste exceeds 1 kg.

In the event of closure of business or suspension of operations for more than 3 months, the obligation to deliver begins immediately.

The delivery obligation does not apply to businesses that handle their own hazardous waste with a permit pursuant to section 11 of the Pollution Act, cf. section 11-7 letter a. The exception from the delivery obligation only applies to what the permit pursuant to section 11 of the Pollution Act covers.

When cleaning storage tanks that produce hazardous waste, the delivery obligation applies to the business that disposes of the storage tank.

When using an external carrier, there must be an agreement on delivery between the person who has a delivery obligation and the facility which, according to § 11-6 and § 11-7, can handle the hazardous waste in order for the delivery obligation to be fulfilled.

The person who is obliged to deliver must have written documentation of where the hazardous waste has been delivered. The documentation must be kept for at least three years.

0 Amended by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016).

#### **Section 11-9. *Obligation to report in case of bankruptcy***

When bankruptcy is opened in a business where hazardous waste is stored, the trustee must immediately notify the state administrator of the types and quantities of hazardous waste left behind. The notification obligation does not come into effect until the total amount of hazardous waste exceeds 1 kg.

0 Amended by regulation 14 Dec 2020 no. 3341 (in force 1 June 2021).

#### **Section 11-10. *The municipalities' responsibility***

The municipality must ensure that there is a sufficient offer for receiving hazardous waste from households and businesses with smaller quantities of hazardous waste in the municipality. The duty is limited to receiving up to 1,000 kg of hazardous waste in total per year per waste owner.

When receiving hazardous waste from households in accordance with the duty in the first paragraph, no remuneration shall be charged. The municipality's costs related to the handling of hazardous waste from households must be covered through the municipal waste fee, cf. Section 34 of the Pollution Act.

0 Amended by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016).

#### **Section 11-11. *Households' obligation to provide information on the contents of the waste***

When a household delivers hazardous waste, it must, as far as possible, provide information on the content and characteristics of the waste. Whoever delivers hazardous waste must ensure that the packaging is clearly marked with this information.

### **§ 11-12. Businesses' obligation to declare the contents of the waste**

Businesses that deliver hazardous waste must provide sufficient information about the origin, content and characteristics of the waste, so that the further handling of the waste can take place in a responsible manner. When the waste is delivered to the person who according to § 11-6 and § 11-7 can handle the waste, the business delivering the waste must fill in a declaration form that has been approved by the Norwegian Environment Agency. The packaging must be clearly marked with the serial number of the declaration form. The marking must withstand physical and climatic influences. When using an external transporter, the obligation to declare begins when the waste is delivered to the transporter.

Hazardous waste from ships as defined in regulation 1 June 2004 no. 931 on the limitation of pollution (pollution regulations) chapter 20 section 20-3 must, on delivery in a port, be declared by the port officer in accordance with the pollution regulations chapter 20.

In the case of direct export to operations outside Norway, this provision does not apply. In such cases, the rules in Chapter 13 on cross-border transport of waste apply.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 9 Sep 2015 no. 1042 (in force 1 Jan 2016), 15 Jan 2018 No. 56.

### **Sections 11-13. Obligations for those who handle hazardous waste**

The person who handles hazardous waste is responsible for ensuring that the waste received from businesses is declared and must ensure that a declaration form accompanies all deliveries on onward delivery.

The person who first receives hazardous waste subject to declaration must check and submit the declaration to the Norwegian Environment Agency by the 15th of the following month at the latest.

The Norwegian Environment Agency or the person authorized by the Ministry of Climate and the Environment can set a fee for the declaration of hazardous waste. The fee is collected from the person who first receives hazardous waste subject to declaration and must cover the costs of operating a declaration system that will provide the necessary overview and control of hazardous waste.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 9 Sep 2015 no. 1042 (in force 1 Jan 2016).

### **Sections 11-14. Transport of hazardous waste**

Businesses are not permitted to transport hazardous waste without a completed declaration form in accordance with § 11-12. The completed declaration form must be forwarded to the person who, according to § 11-6 and § 11-7, can handle the hazardous waste.

The first paragraph does not apply if the business that generated the waste itself undertakes the transport.

When hazardous waste is transported to the person who according to § 11-6 and § 11-7 can handle the waste, it must be delivered without a delay of more than 24 hours.

This provision does not apply to the transport of waste that is covered by the rules in regulation 1 June 2004 no. 931 on the limitation of pollution chapter 20 on the delivery and receipt of waste and cargo residues from ships.

0 Added by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016).

### **Sections 11-15. *The relationship with other provisions on hazardous waste***

The provisions in this chapter apply unless otherwise specifically determined in the individual chapter or in these regulations or in other regulations.

0 Amended by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016, former § 11-14).

### **Sections 11-16. *Pollution Control Authority***

The Norwegian Environment Agency or the person authorized by the Ministry of Climate and the Environment grants permission for facilities for the treatment of hazardous waste, except for the milling of impregnated wood, and supervises that the provisions of this chapter are complied with by these businesses.

The state administrator or the person authorized by the Ministry of Climate and Environment grants permission to facilities for the reception and intermediate storage of waste and the milling of impregnated wood, and supervises that the provisions in this chapter are complied with by these enterprises.

The state administrator or the person authorized by the Ministry of Climate and the Environment supervises that the provisions in this chapter are complied with by others than those mentioned in the first and second paragraphs.

0 Added by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016), amended by regulations 30 Sep 2020 no. 1996, 14 Dec 2020 no. 3341 (in force 1 June 2021).

### **Sections 11-17. *Exception***

In special cases, the Norwegian Environment Agency or the Ministry of Climate and the Environment authorizes it make exceptions to this regulation. Exceptions cannot be made that conflict with the EEA Agreement's provisions on hazardous waste or other international agreements that Norway has entered into.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 December 2013 no. 1757 (in force 1 Jan 2014), 9 Sep 2015 no. 1042 (in force 1 Jan 2016, former § 11-16).

### **Sections 11-18. *Transitional provisions***

For facilities for the reception and interim storage of hazardous waste with permission granted before 1 January 2016 applies to Annex 4 No. 4 on financial security, cf. Section 11-6 second paragraph, from 1 January 2018. These businesses must nevertheless send financial security in accordance with Annex 4 No. 4 to the State Administrator for approval by 1 July 2016 at the latest.

For businesses mentioned in the first paragraph, the other provisions in appendix 4 apply, cf. section 11-6 second paragraph, from 1 January 2017.

0 Added by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016), amended by regulation 14 Dec 2020 no. 3341 (in effective 1 June 2021).

## **Appendix 1. The European waste list (EAL)**

### *1. Definitions*

In this appendix, a. heavy metals

means : any compound of antimony, arsenic, cadmium, chromium (VI), copper, lead, mercury, nickel, selenium, tellurium, thallium and tin, as well as these substances in metallic form if they are to be classified as dangerous substances, b. *transition metals*:

any compound of scandium, vanadium, manganese, cobalt, copper, yttrium, niobium, hafnium, tungsten, titanium, chromium, iron, nickel, zinc, zirconium, molybdenum and tantalum, as well as these substances in metallic form provided that they must be classified as dangerous substances, c. *PCB*: polychlorinated biphenyls,

polychlorinated terphenyls, monomethyltetrachlorodiphenylmethane, monomethyldichlorodiphenylmethane, monomethyldibromodiphenylmethane and all mixtures whose total content of the aforementioned substances exceeds 0.005% by weight, d. *stabilization*: processes that change the

degree of danger of the waste's components and converts hazardous waste into non-hazardous waste,

e. *hardening*: processes which, with the help of additives, change the physical state of the waste

without changing the chemical properties of the waste,

f. *partially stabilized waste*: waste which, after undergoing stabilization, continues

contains hazardous components that have not been completely converted into non-hazardous components and that may be released into the environment in the short, medium or long term.

## 2. Identification of waste using the waste list in no. 5

As a general rule, waste from businesses etc. as mentioned in chapters 01 to 12 or 17 to 20 in the waste list must be identified using the six-digit waste codes in these chapters.

If neither the waste codes in chapters 01 to 12 nor 17 to 20 fit, the waste must be identified using the waste codes in chapters 13 to 15 if possible. If the waste codes in chapters 13 to 15 also do not fit, the waste must be identified using the waste codes in chapter 16 .

Waste codes that end with the number 99 must still only be used if none of the others the waste codes match. Waste codes ending with 99 in chapters 01 to 12 and 17 to 20 must be used instead of codes ending in 99 in chapter 13 and codes in chapter 13 must be used instead of codes in chapter 16.

## 3. Classification of waste using the waste list in no. 5

Waste that must be identified using a waste code marked with an asterisk must be classified as hazardous waste unless the Norwegian Environment Agency or the Ministry of Climate and the Environment has decided otherwise in accordance with § 11-2 third paragraph.

Waste belonging to a waste type that can be identified using different waste codes, of which at least one is marked with an asterisk and one is not, shall only be classified as hazardous waste if

- its content of hazardous substances, which the waste list refers to in general ("hazardous substances") or specifically (e.g. "asbestos"), means that the waste must be classified as hazardous in accordance with Annex 2 no. 2, or
- its content of polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF), DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane), chlordane, hexachlorocyclohexanes (including lindane), dieldrin, endrin, heptachlor, hexachlorobenzene, chlordecone, aldrin, pentachlorobenzene, mirex, toxaphene, hexabromobiphenyl , PCB, decabromodiphenyl ether and/or hexabromocyclododecane is higher than or equal to the relevant limit value in Annex 2, No. 3.

Waste consisting of pure metal alloys in their massive form which is not contaminated by hazardous substances must nevertheless only be classified as hazardous waste, if the alloys are expressly mentioned in a waste code marked with an asterisk in the waste list in no. 5 4. *The chapter division in the waste list in no. 5*

01	Waste from exploration, extraction in mining and quarries, and physical and chemical treatment of minerals
02	Waste from agriculture, horticulture, aquaculture, forestry, hunting and fishing as well as production and processing of foodstuffs
03	Waste from the wood industry and the production of panels and furniture, pulp, paper and cardboard/ cardboard
04	Waste from the leather, fur and textile industries

05	Waste from oil refining, purification of natural gas and pyrolytic treatment of coal
06	Waste from inorganic chemical processes
07	Waste from organic chemical processes
08	Waste from production, processing, distribution and use (PBDB) of coating products (paints, varnishes and glass enamels), adhesives, sealants and printing inks
09	Waste from the photographic industry
10	Waste from heat treatment processes
11	Waste from chemical surface treatment and coating of metals and other materials, and from hydrometallurgy with non-ferrous metals
12	Waste from forming and physical and mechanical surface treatment of metals and plastics
13	Waste oils and liquid fuels (except cooking oils, 05 and 12)
14	Waste of organic solvents, coolants and propellants (except 07 and 08)
15	Waste from packaging, absorbents, drying cloths, filtering materials and protective clothing such as not specified elsewhere
16	Waste not specified elsewhere in the list
17	Waste from construction and demolition work (including surplus material from contaminated construction sites)
18	Waste from medical treatment or veterinary treatment and/or associated research (except kitchen and restaurant waste which is not directly related to medical treatment)
19	Waste from waste treatment plants and external sewage treatment plants and from manufacturing of drinking water and water for industrial use
20	Municipal waste (household waste and similar waste from trade, industry and institutions) including separately collected fractions.

##### 5. The waste list

<b>01</b>	Waste from exploration, extraction during mining and quarrying and physical and chemical treatment of minerals
<b>01 01</b>	waste from the extraction of minerals
01 01 01	waste from the extraction of metal-containing minerals
01 01 02	waste from the extraction of non-metallic minerals
<b>01 03</b>	waste from physical and chemical processing of metal-containing minerals
*01 03 04	acid-forming tailings from the processing of sulphide-containing ore
*01 03 05	other waste mass containing dangerous substances
01 03 06	waste material other than that mentioned in 01 03 04 and 01 03 05
*01 03 07	other waste containing hazardous substances from physical and chemical processing of metallic minerals
01 03 08	other dust and powder waste than that mentioned in 01 03 07
01 03 09	red mud from aluminum production which is not mentioned in 01 03 10
*01 03 10	red mud from aluminum production that contains hazardous substances other than waste mentioned in 01 03 07
01 03 99	waste not specified elsewhere
<b>01 04</b>	waste from physical and chemical processing of non-metallic minerals
*01 04 07	waste containing hazardous substances from physical and chemical processing of non-metallic minerals

01 04 08	other waste of gravel and crushed stone than that mentioned in 01 04 07
01 04 09	sand and clay waste
01 04 10	other dust and powder waste than that mentioned in 01 04 07
01 04 11	other waste from the treatment of potassium carbonate and mineral salts than that mentioned in 01 04 07
01 04 12	other tailings and other waste from the washing and cleaning of minerals than the person mentioned in 01 04 07 and 01 04 11
01 04 13	other waste from cutting and sawing of stone than that mentioned in 01 04 07
01 04 99	waste not specified elsewhere
<b>01 05</b>	drilling fluid and other drilling waste
01 05 04	freshwater drilling fluid and drilling waste
*01 05 05	oily drilling fluid and drilling waste
*01 05 06	drilling fluid and other drilling waste containing hazardous substances
01 05 07	other barite-containing drilling fluid and barite-containing drilling waste other than that/it mentioned in 01 05 05 and 01 05 06
01 05 08	other chloride-containing drilling fluid and other chloride-containing drilling waste than it/it mentioned in 01 05 05 and 01 05 06
01 05 99	waste not specified elsewhere
<b>02</b>	Waste from agriculture, horticulture, aquaculture, forestry, hunting and fishing as well production and processing of foodstuffs
<b>02 01</b>	waste from agriculture, horticulture, aquaculture, forestry, hunting and fishing
02 01 01	sludge from washing and cleaning
02 01 02	animal waste
02 01 03	plant waste
02 01 04	plastic waste (excluding packaging)
02 01 06	animal faeces, animal urine and animal manure (including contaminated straw), waste water, collected separately and treated externally
02 01 07	waste from forestry
*02 01 08	agricultural chemical waste containing hazardous substances
02 01 09	other agricultural chemical waste than that mentioned in 02 01 08
02 01 10	metal waste
02 01 99	waste not specified elsewhere
<b>02 02</b>	waste from the preparation and processing of meat, fish and other foodstuffs of animal origin
02 02 01	sludge from washing and cleaning
02 02 02	animal waste
02 02 03	material that is unsuitable as food or for processing
02 02 04	sludge from on-site wastewater treatment
02 02 99	waste not specified elsewhere
<b>02 03</b>	waste from the preparation and processing of fruit, vegetables, grains, cooking oils, cocoa, coffee, tea and tobacco; production of preserves; production of yeast and yeast extract, preparation and fermentation of molasses
02 03 01	sludge from washing, cleaning, peeling, centrifugation and separation
02 03 02	waste from preservatives
02 03 03	waste from solvent extraction
02 03 04	material that is unsuitable as food or for processing

02 03 05	sludge from wastewater treatment at the production site
02 03 99	waste not specified elsewhere
<b>02 04</b>	waste from sugar production
02 04 01	soil from cleaning and washing sugar beets
02 04 02	unsorted calcium carbonate
02 04 03	sludge from wastewater treatment at the production site
02 04 99	waste not specified elsewhere
<b>02 05</b>	waste from the dairy industry
02 05 01	material that is unsuitable as food or for processing
02 05 02	sludge from wastewater treatment at the production site
02 05 99	waste not specified elsewhere
<b>02 06</b>	waste from the bakery and confectionery industry
02 06 01	material that is unsuitable as food or for processing
02 06 02	waste from preservatives
02 06 03	sludge from wastewater treatment at the production site
02 06 99	waste not specified elsewhere
<b>02 07</b>	waste from the production of alcoholic and non-alcoholic beverages (excl coffee, tea and cocoa)
02 07 01	waste from washing, cleaning and mechanical reduction of raw materials
02 07 02	waste from alcohol distillation
02 07 03	waste from chemical treatment
02 07 04	material that is unsuitable as food or for processing
02 07 05	sludge from wastewater treatment at the production site
02 07 99	waste not specified elsewhere
<b>03</b>	Waste from the wood industry and the production of panels and furniture, pulp, paper and cardboard/cardboard
<b>03 01</b>	waste from the wood industry and the production of boards and furniture
03 01 01	bark and cork waste
*03 01 04	sawdust, shavings, sawdust, wood, chipboard and veneer containing hazardous substances
03 01 05	other sawdust, shavings, veneer, wood, chipboard and veneer than that mentioned in 03 01 04
03 01 99	waste not specified elsewhere
<b>03 02</b>	waste from wood impregnation
*03 02 01	non-halogenated organic wood impregnation agents
*03 02 02	organochlorine wood impregnation agents
*03 02 03	organometallic wood impregnation agents
*03 02 04	inorganic wood impregnation agents
*03 02 05	other wood impregnation agents containing hazardous substances
03 02 99	wood impregnating agents not specified elsewhere
<b>03 03</b>	waste from the production and processing of paper, cardboard/cardboard and pulp
03 03 01	bark and wood waste
03 03 02	green liquor sludge (from recovery of cooking liquid)
03 03 05	de-inking sludge from paper recycling
03 03 07	mechanically separated residues from the grinding of paper and cardboard/cardboard waste
03 03 08	waste from sorting paper and cardboard/cardboard for recycling

03 03 09	waste lime sludge
03 03 10	fiber waste, fiber sludge and sludge of filler and coating materials from mechanical separation
03 03 11	other sludge from waste water treatment at the production site than that mentioned in 03 03 10
03 03 99	waste not specified elsewhere
<b>04</b>	Waste from the leather, fur and textile industries
<b>04 01</b>	waste from the leather and fur industry
04 01 01	waste from scraping and splitting
04 01 02	waste from lime leaching
*04 01 03	degreasing waste containing solvents without a liquid phase
04 01 04	chromium-containing tanning liquid
04 01 05	non-chromic tanning fluid
04 01 06	chromium-containing sludge, especially from waste water treatment at the production site
04 01 07	non-chromium-containing sludge, especially from the treatment of waste water on the place of production
04 01 08	chrome-containing waste from tanned leather (blue splits, abrasions, offcuts, polishing dust)
04 01 09	waste from preparation and finishing
04 01 99	waste not specified elsewhere
<b>04 02</b>	waste from the textile industry
04 02 09	waste of composite materials (impregnated textiles, elastomer, plastome)
04 02 10	organic substances of natural products (e.g. fat, wax)
*04 02 14	waste from finishing that contains organic solvents
04 02 15	other waste from finishing than that mentioned in 04 02 14
*04 02 16	dyes and pigments containing hazardous substances
04 02 17	other dyes and pigments than those mentioned in 04 02 16
*04 02 19	sludge from wastewater treatment at the production site containing dangerous substances
04 02 20	other sludge from waste water treatment at the production site than that mentioned in 04 02 19
04 02 21	waste of unprocessed textile fibres
04 02 22	waste from processed textile fibres
04 02 99	waste not specified elsewhere
<b>05</b>	Waste from oil refining, purification of natural gas and pyrolytic treatment of coal
<b>05 01</b>	waste from oil refining
*05 01 02	desalination sludge
*05 01 03	bottom sludge from tanks
*05 01 04	alkyl acid sludge
*05 01 05	oil spill
*05 01 06	oily sludge from maintenance work on facilities or equipment
*05 01 07	acidic tar
*05 01 08	other tar
*05 01 09	sludge from wastewater treatment at the production site containing dangerous substances

05 01 10	other sludge from waste water treatment at the production site than that mentioned in 05 01 09
*05 01 11	waste from the treatment of fuel with bases
*05 01 12	acidic oil
05 01 13	sludge from treatment of supply water to boilers
05 01 14	waste from cooling columns
*05 01 15	used filtration clays
05 01 16	sulfur-containing waste from oil desulphurisation
05 01 17	bitumen
05 01 99	waste not specified elsewhere
<b>05 06</b>	waste from pyrolytic treatment of coal
*05 06 01	acidic tar
*05 06 03	other tar
05 06 04	waste from cooling columns
05 06 99	waste not specified elsewhere
<b>05 07</b>	waste from the purification and transport of natural gas
*05 07 01	waste containing mercury
05 07 02	sulfur-containing waste
05 07 99	waste not specified elsewhere
<b>06</b>	Waste from inorganic chemical processes
<b>06 01</b>	waste from the production, processing, distribution and use (PBDB) of acids
*06 01 01	sulfuric acid and sulphurous acids
*06 01 02	hydrochloric acid
*06 01 03	hydrogen fluoride
*06 01 04	phosphoric acid and phosphorous-containing acids
*06 01 05	nitric acid and nitrogenous acids
*06 01 06	other acids
06 01 99	waste not specified elsewhere
<b>06 02</b>	waste from PBDB of bases
*06 02 01	calcium hydroxide
*06 02 03	ammonium hydroxide
*06 02 04	sodium and potassium hydroxide
*06 02 05	other bases
06 02 99	waste not specified elsewhere
<b>06 03</b>	waste from PBDB of salts and salt solutions and of metal oxides
*06 03 11	solid salts and salt solutions containing cyanides
*06 03 13	solid salts and salt solutions containing heavy metals as mentioned in no. 1 letter ai of this appendix
06 03 14	other solid salts and salt solutions than those mentioned in 06 03 11 and 06 03 13
*06 03 15	metal oxides containing heavy metals as mentioned in no. 1 letter ai hereof the attachment
06 03 16	other metal oxides than those mentioned in 06 03 15
06 03 99	waste not specified elsewhere
<b>06 04</b>	other metallic waste than that mentioned in 06 03

*06 04 03	arsenic-containing waste
*06 04 04	waste containing mercury
*06 04 05	waste containing other heavy metals as mentioned in no. 1 letter ai hereof the attachment
06 04 99	waste not specified elsewhere
<b>06 05</b>	sludge from wastewater treatment at the production site
*06 05 02	sludge from wastewater treatment at the production site containing dangerous substances
06 05 03	other sludge from waste water treatment at the production site than that mentioned in 06 05 02
<b>06 06</b>	waste from PBDB of sulfur-containing chemicals and from sulfur-chemical processes and desulphurisation processes
*06 06 02	waste containing dangerous sulphides
06 06 03	waste containing sulphides other than those mentioned in 06 06 02
06 06 99	waste not specified elsewhere
<b>06 07</b>	waste from PBDB of halogens and halogen chemical processes
*06 07 01	waste containing asbestos from electrolysis
*06 07 02	activated carbon used for chlorine production
*06 07 03	mercury-containing sludge of barium sulfate
*06 07 04	solutions and acids, for example contact acid
06 07 99	waste not specified elsewhere
<b>06 08</b>	waste from PBDB of silicon and silicon derivatives
*06 08 02	waste containing dangerous chlorosilanes
06 08 99	waste not specified elsewhere
<b>06 09</b>	waste from PBDB of phosphorus-containing chemicals and phosphorus-chemical processes
06 09 02	phosphorous slag
*06 09 03	calcium-based reaction waste that contains or is contaminated by hazardous substances
06 09 04	calcium-based reaction waste other than that mentioned in 06 09 03
06 09 99	waste not specified elsewhere
<b>06 10</b>	waste from PBDB of nitrogen-containing chemicals, nitrogen-chemical processes and fertilizer production
*06 10 02	waste containing hazardous substances
06 10 99	waste not specified elsewhere
<b>06 11</b>	waste from the production of inorganic pigments and opacifiers
06 11 01	calcium-based reaction waste from titanium dioxide production
06 11 99	waste not specified elsewhere
<b>06 13</b>	wastes from inorganic chemical processes not elsewhere specified
*06 13 01	inorganic pesticides, wood impregnation agents and other biocides
*06 13 02	used activated carbon (except 06 07 02)
06 13 03	carbon black
*06 13 04	waste from asbestos processing
*06 13 05	sweet
06 13 99	waste not specified elsewhere
<b>07</b>	Waste from organic chemical processes

<b>07 01</b>	waste from the production, processing, distribution and use (PBDB) of organics basic products
*07 01 01	aqueous washing liquids and mother liquors
*07 01 03	halogenated organic solvents, washing liquids and mother liquors
*07 01 04 other	organic solvents, washing liquids and mother liquors
*07 01 07	halogenated distillation residues and reaction residues
*07 01 08	other distillation residues and reaction residues
*07 01 09	halogenated filter cakes and used absorbents
*07 01 10	other filter cakes and used absorbents
*07 01 11	sludge from wastewater treatment at the production site containing dangerous substances
07 01 12	other sludge from waste water treatment at the production site than that mentioned in 07 01 11
07 01 99	waste not specified elsewhere
<b>07 02</b>	waste from PBDB of plastic materials, synthetic rubber and artificial fibres
*07 02 01	aqueous washing liquids and mother liquors
*07 02 03	halogenated organic solvents, washing liquids and mother liquors
*07 02 04 other	organic solvents, washing liquids and mother liquors
*07 02 07	halogenated distillation residues and reaction residues
*07 02 08	other distillation residues and reaction residues
*07 02 09	halogenated filter cakes and used absorbents
*07 02 10	other filter cakes and used absorbents
*07 02 11	sludge from wastewater treatment at the production site containing dangerous substances
07 02 12	other sludge from waste water treatment at the production site than that mentioned in 07 02 11
07 02 13	plastic waste
*07 02 14	waste from additives containing hazardous substances
07 02 15	other waste from additives than that mentioned in 07 02 14
*07 02 16	waste containing dangerous silicones
07 02 17	silicone-containing waste not mentioned in 07 02 16
07 02 99	waste not specified elsewhere
<b>07 03</b>	waste from PBDB of organic color substances and pigments (except 06 11)
*07 03 01	aqueous washing liquids and mother liquors
*07 03 03	halogenated organic solvents, washing liquids and mother liquors
*07 03 04 other	organic solvents, washing liquids and mother liquors
*07 03 07	halogenated distillation residues and reaction residues
*07 03 08	other distillation residues and reaction residues
*07 03 09	halogenated filter cakes and used absorbents
*07 03 10	other filter cakes and used absorbents
*07 03 11	sludge from wastewater treatment at the production site containing dangerous substances
07 03 12	other sludge from waste water treatment at the production site than that mentioned in 07 03 11
07 03 99	waste not specified elsewhere

<b>07 04</b>	waste from PBDB of organic pesticides (except 02 01 08 and 02 01 09), wood impregnation agents (except 03 02) and other biocides
*07 04 01	aqueous washing liquids and mother liquors
*07 04 03	halogenated organic solvents, washing liquids and mother liquors
*07 04 04 other	organic solvents, washing liquids and mother liquors
*07 04 07	halogenated distillation residues and reaction residues
*07 04 08	other distillation residues and reaction residues
*07 04 09	halogenated filter cakes and used absorbents
*07 04 10	other filter cakes and used absorbents
*07 04 11	sludge from wastewater treatment at the production site containing dangerous substances
07 04 12	other sludge from waste water treatment at the production site than that mentioned in 07 04 11
*07 04 13	solid waste containing hazardous substances
07 04 99	waste not specified elsewhere
<b>07 05</b>	waste from PBDB of pharmaceuticals
*07 05 01	aqueous washing liquids and mother liquors
*07 05 03	halogenated organic solvents, washing liquids and mother liquors
*07 05 04 other	organic solvents, washing liquids and mother liquors
*07 05 07	halogenated distillation residues and reaction residues
*07 05 08	other distillation residues and reaction residues
*07 05 09	halogenated filter cakes and used absorbents
*07 05 10	other filter cakes and used absorbents
*07 05 11	sludge from wastewater treatment at the production site containing dangerous substances
07 05 12	other sludge from waste water treatment at the production site than that mentioned in 07 05 11
*07 05 13	solid waste containing hazardous substances
07 05 14	solid waste other than that mentioned in 07 05 13
07 05 99	waste not specified elsewhere
<b>07 06</b>	waste from PBDB of fats, lubricants, soap, cleaning agents, disinfectants and cosmetics
*07 06 01	aqueous washing liquids and mother liquors
*07 06 03	halogenated organic solvents, washing liquids and mother liquors
*07 06 04 other	organic solvents, washing liquids and mother liquors
*07 06 07	halogenated distillation residues and reaction residues
*07 06 08	other distillation residues and reaction residues
*07 06 09	halogenated filter cakes and used absorbents
*07 06 10	other filter cakes and used absorbents
*07 06 11	sludge from wastewater treatment at the production site containing dangerous substances
07 06 12	other sludge from waste water treatment at the production site than that mentioned in 07 06 11
07 06 99	waste not specified elsewhere
<b>07 07</b>	waste from PBDB of fine chemicals and of chemical products that are not

	specified elsewhere
*07 07 01	aqueous washing liquids and mother liquors
*07 07 03	halogenated organic solvents, washing liquids and mother liquors
*07 07 04	other organic solvents, washing liquids and mother liquors
*07 07 07	halogenated distillation residues and reaction residues
*07 07 08	other distillation residues and reaction residues
*07 07 09	halogenated filter cakes and used absorbents
*07 07 10	other filter cakes and used absorbents
*07 07 11	sludge from wastewater treatment at the production site containing dangerous substances
07 07 12	other sludge from waste water treatment at the production site than that mentioned in 07 07 11
07 07 99	waste not specified elsewhere
<b>08</b>	Waste from production, processing, distribution and use (PBDB) of coating products (paints, varnishes and glass enamels), adhesives, sealing compound and printing inks
<b>08 01</b>	waste from PBDB and removal of paints and varnishes
*08 01 11	paint and varnish waste containing organic solvents or other hazardous substances
08 01 12	paint and varnish waste other than that mentioned in 08 01 11
*08 01 13	sludge from paints and varnishes containing organic solvents or other dangerous substances
08 01 14	sludge from paints and varnishes other than that mentioned in 08 01 13
*08 01 15	aqueous sludge containing paints or varnishes containing organics solvents or other hazardous substances
08 01 16	other aqueous sludge containing paints and varnishes than that mentioned in 08 01 15
*08 01 17	waste from the removal of paints or varnishes containing organic solvents or other dangerous substances
08 01 18	other waste from the removal of paints or varnishes than that mentioned in 08 01 17
*08 01 19	aqueous suspensions containing paints or varnishes containing organic solvents or other hazardous substances
08 01 20	other aqueous suspensions containing paints or varnishes than them mentioned in 08 01 19
*08 01 21	paint or varnish remover waste
08 01 99	waste not specified elsewhere
<b>08 02</b>	waste from PBDB of other surface coatings (including ceramic materials)
08 02 01	waste from powder-based surface coatings
08 02 02	aqueous sludge containing ceramic materials
08 02 03	aqueous suspensions containing ceramic materials
08 02 99	waste not specified elsewhere
<b>08 03</b>	waste from PBDB of printing inks
08 03 07	aqueous sludge containing printing inks
08 03 08	aqueous liquid waste containing printing inks
*08 03 12	printing ink waste containing hazardous substances
08 03 13	printing ink waste other than that mentioned in 08 03 12
*08 03 14	printing ink sludge containing hazardous substances

08 03 15	printing ink sludge other than that mentioned in 08 03 14
*08 03 16	waste of corrosive liquid used in graphic production
*08 03 17	toner waste containing hazardous substances
08 03 18	toner waste other than that mentioned in 08 03 17
*08 03 19	dispersed oil
08 03 99	waste not specified elsewhere
<b>08 04</b>	waste from PBDB of adhesives and sealants (including waterproofing agents)
*08 04 09	waste from adhesives and sealants containing organic solvents or other dangerous substances
08 04 10	other waste of adhesives and sealants than those mentioned in 08 04 09
*08 04 11	sludge from adhesives and sealants containing organic solvents or other dangerous substances
08 04 12	other sludge from adhesives and sealants than that mentioned in 08 04 11
*08 04 13	aqueous sludge containing adhesives or sealants containing organic solvents or other hazardous substances
08 04 14	other aqueous sludge containing adhesives or sealants than that mentioned in 08 04 13
*08 04 15	aqueous liquid waste containing adhesives or sealants such as contains organic solvents or other hazardous substances
08 04 16	other aqueous liquid waste containing adhesives or sealants than that mentioned in 08 04 15
*08 04 17	resin oil
08 04 99	waste not specified elsewhere
<b>08 05</b>	waste not specified elsewhere in 08
*08 05 01	waste of isocyanates
<b>09</b>	Waste from the photographic industry
<b>09 01</b>	waste from the photographic industry
*09 01 01	water-based developing fluids and activator fluids
*09 01 02	water-based developing fluids for offset plates
*09 01 03	solvent-based developing fluids
*09 01 04	fixer bath
*09 01 05	bleaching bath and bleaching/fixing bath
*09 01 06	waste containing silver from on-site processing of photographic waste
09 01 07	photographic film and paper containing silver or silver compounds
09 01 08	photographic film and paper without silver or silver compounds
09 01 10	disposable cameras without batteries
*09 01 11	disposable cameras with batteries mentioned in 16 06 01, 16 06 02 or 16 06 03
09 01 12	other disposable cameras with batteries than those mentioned in 09 01 11
*09 01 13	other aqueous liquid waste from the recovery of silver at the production site than that mentioned in 09 01 06
09 01 99	waste not specified elsewhere
<b>10</b>	Waste from heat treatment processes

<b>10 01</b>	waste from power plants and other incineration plants (except category 19)
10 01 01	bottom ash, slag and boiler dust (except boiler dust mentioned in 10 01 04)
10 01 02	fly ash from the combustion of coal
10 01 03	fly ash from burning peat and untreated wood
*10 01 04	fly ash and boiler dust from burning oil
10 01 05	solid calcium-based reaction waste from flue gas desulphurisation
10 01 07	calcium-based reaction waste in the form of sludge from flue gas desulphurisation
*10 01 09	sulfuric acid
*10 01 13	fly ash from emulsified hydrocarbons used as fuel
*10 01 14	bottom ash, slag and boiler dust from co-incineration which contain dangerous substances
10 01 15	other bottom ash and other slag and boiler dust from co-combustion than those mentioned in 10 01 14
*10 01 16	fly ash from co-incineration containing hazardous substances
10 01 17	other fly ash from co-incineration than that mentioned in 10 01 16
*10 01 18	waste from cleaning flue gas containing hazardous substances
10 01 19	other waste from flue gas cleaning than that mentioned in 10 01 05, 10 01 07 and 10 01 18
*10 01 20	sludge from wastewater treatment at the production site containing dangerous substances
10 01 21	other sludge from waste water treatment at the production site than that mentioned in 10 01 20
*10 01 22	watery sludge from boiler cleaning that contains dangerous substances
10 01 23	other aqueous sludge from boiler cleaning than that mentioned in 10 01 22
10 01 24	sand from an eddy layer
10 01 25	waste from the storage and treatment of fuel for coal-fired power plants
10 01 26	waste from cooling water treatment
10 01 99	waste not specified elsewhere
<b>10 02</b>	waste from the iron and steel industry
10 02 01	waste from slag processing
10 02 02	untreated slag
*10 02 07	solid waste from the treatment of exhaust gases containing hazardous substances
10 02 08	other solid waste from exhaust gas treatment than that mentioned in 10 02 07
10 02 10	glowing shell
*10 02 11	waste from cooling water treatment containing oil
10 02 12	other waste from cooling water treatment than that mentioned in 10 02 11
*10 02 13	sludge and filter cakes from the treatment of exhaust gases containing dangerous substances
10 02 14	other sludge and filter cakes from the treatment of exhaust gases than that mentioned in 10 02 13
10 02 15	other sludge and filter cakes
10 02 99	waste not specified elsewhere
<b>10 03</b>	waste from heat-based aluminum production
10 03 02	anode waste
*10 03 04	slag from primary production
10 03 05	aluminum oxide waste
*10 03 08	salt slag from secondary production

*10 03 09	black dross from secondary production
*10 03 15	stripping slag that is flammable or emits dangerous amounts of flammable gas on contact with water
10 03 16	scraping slag other than that mentioned in 10 03 15
*10 03 17	tarry waste from the production of anodes
10 03 18	other carbonaceous waste from the production of anodes than that mentioned in 10 03 17
*10 03 19	dust from filtering flue gas containing hazardous substances
10 03 20	other dust from flue gas filtration than that mentioned in 10 03 19
*10 03 21	other particles and other dust (including ball mill dust) containing dangerous substances
10 03 22	other particles and other dust (including ball mill dust) than that mentioned in 10 03 21
*10 03 23	solid waste from the treatment of exhaust gases containing hazardous substances
10 03 24	other solid waste from the treatment of exhaust gases than that mentioned in 10 03 23
*10 03 25	sludge and filter cakes from the treatment of exhaust gases containing dangerous substances
10 03 26	other sludge and filter cakes from the treatment of exhaust gases than that mentioned in 10 03 25
*10 03 27	oily waste from cooling water treatment
10 03 28	other waste from cooling water treatment than that mentioned in 10 03 27
*10 03 29	waste from the treatment of salt slag and black dross containing dangerous substances
10 03 30	other waste from the treatment of salt slag and black dross than that mentioned in 10 03 29
10 03 99	waste not specified elsewhere
<b>10 04</b>	waste from heat-based lead production
*10 04 01	slag from primary and secondary production
*10 04 02	dross and stripping slag from primary and secondary production
*10 04 03	calcium arsenate
*10 04 04	dust from flue gas filtration
*10 04 05	other particles and dust
*10 04 06	solid waste from exhaust gas treatment
*10 04 07	sludge and filter cakes from exhaust gas treatment
*10 04 09	oily waste from cooling water treatment
10 04 10	other waste from the treatment of cooling water than that mentioned in 10 04 09
10 04 99	waste not specified elsewhere
<b>10 05</b>	waste from heat-based production of zinc
10 05 01	slag from primary and secondary production
*10 05 03	dust from flue gas filtration
10 05 04	other particles and dust
*10 05 05	solid waste from exhaust gas treatment
*10 05 06	sludge and filter cakes from exhaust gas treatment
*10 05 08	oily waste from cooling water treatment
10 05 09	other waste from the treatment of cooling water than that mentioned in 10 05 08
*10 05 10	dross and stripping slag that is flammable or emits dangerous quantities flammable gas in contact with water
10 05 11	other dross and stripping slag than that mentioned in 10 04 10
10 05 99	waste not specified elsewhere
<b>10 06</b>	waste from heat-based copper production

10 06 01	slag from primary and secondary production
10 06 02	dross and stripping slag from primary and secondary production
*10 06 03	dust from flue gas filtration
10 06 04	other particles and dust
*10 06 06	solid waste from exhaust gas treatment
*10 06 07	sludge and filter cakes from exhaust gas treatment
*10 06 09	oily waste from cooling water treatment
10 06 10	other waste from the treatment of cooling water than that mentioned in 10 06 09
10 06 99	waste not specified elsewhere
<b>10 07</b>	waste from heat-based production of silver, gold and platinum
10 07 01	slag from primary and secondary production
10 07 02	dross and stripping slag from primary and secondary production
10 07 03	solid waste from exhaust gas treatment
10 07 04	other particles and dust
10 07 05	sludge and filter cakes from exhaust gas treatment
*10 07 07	oily waste from cooling water treatment
10 07 08	other waste from the treatment of cooling water than that mentioned in 10 07 07
10 07 99	waste not specified elsewhere
<b>10 08</b>	waste from heat-based production of other non-ferrous metals
10 08 04	particles and dust
*10 08 08	salt slag from primary and secondary production
10 08 09	other slag
*10 08 10	dross and stripping slag that is flammable or emits dangerous quantities flammable gas in contact with water
10 08 11	other dross and stripping slag than that mentioned in 10 08 10
*10 08 12	tarry waste from the production of anodes
10 08 13	other carbonaceous waste from the production of anodes than that mentioned in 10 08 12
10 08 14	anode waste
*10 08 15	dust from filtering flue gas containing hazardous substances
10 08 16	other dust from flue gas filtration than that mentioned in 10 08 15
*10 08 17	sludge and filter cakes from the treatment of exhaust gases containing dangerous substances
10 08 18	other sludge and filter cakes from the treatment of exhaust gases than that mentioned in 10 08 17
*10 08 19	oily waste from cooling water treatment
10 08 20	other waste from the treatment of cooling water than that mentioned in 10 08 19
10 08 99	waste not specified elsewhere
<b>10 09</b>	waste from ferrous metal casting
10 09 03	foundry slag
*10 09 05	casting cores and molds which are not used for casting and which contain dangerous substances
10 09 06	other casting cores and molds that are not used for casting than those mentioned in 10 09 05
*10 09 07	casting cores and molds that have been used for casting and that contain hazardous substances substances
10 09 08	other casting cores and casting molds used for casting than those mentioned in 10

	09 07
*10 09 09	dust from filtering flue gas containing hazardous substances
10 09 10	other dust from flue gas filtration than that mentioned in 10 09 09
*10 09 11	other particles containing hazardous substances
10 09 12	particles other than those mentioned in 10 09 11
*10 09 13	binder waste containing hazardous substances
10 09 14	binder waste other than that mentioned in 10 09 13
*10 09 15	waste of crack indicator fluid containing hazardous substances
10 09 16	other waste of crack indicator liquid than that mentioned in 10 09 15
10 09 99	waste not specified elsewhere
<b>10 10</b>	waste from casting of non-ferrous metals
10 10 03	foundry slag
*10 10 05	casting cores and molds which are not used for casting and which contain dangerous substances
10 10 06	other casting cores and molds that are not used for casting than those mentioned in 10 10 05
*10 10 07	casting cores and molds that have been used for casting and that contain hazardous substances
10 10 08	other casting cores and casting molds used for casting than those mentioned in 10 10 07
*10 10 09	dust from filtering flue gas containing hazardous substances
10 10 10	other dust from flue gas filtration than that mentioned in 10 10 09
*10 10 11	other particles containing hazardous substances
10 10 12	other particles than those mentioned in 10 10 11
*10 10 13	binder waste containing hazardous substances
10 10 14	binder waste other than that mentioned in 10 10 13
*10 10 15	waste of crack indicator fluid containing hazardous substances
10 10 16	other waste of crack indicator liquid than that mentioned in 10 10 15
10 10 99	waste not specified elsewhere
<b>10 11</b>	waste from the production of glass and glass products
10 11 03	fiberglass waste
10 11 05	particles and dust
*10 11 09	waste from a mixture of raw materials before heat treatment that contains dangerous substances
10 11 10	other waste of raw material mixture before heat treatment than that mentioned in 10 11 09
*10 11 11	glass waste in small particles and glass powder containing heavy metals (for example from cathode ray tubes) as mentioned in no. 1 letter ai of this appendix
10 11 12	glass waste other than that mentioned in 10 11 11
*10 11 13	sludge from polishing and grinding of glass containing hazardous substances
10 11 14	other sludge from polishing and grinding of glass than that mentioned in 10 11 13
*10 11 15	solid waste from the treatment of flue gas containing hazardous substances
10 11 16	other solid waste from the treatment of flue gas than that mentioned in 10 11 15
*10 11 17	sludge and filter cakes from the treatment of flue gas containing dangerous substances
10 11 18	other sludge and filter cake from the treatment of flue gas than that mentioned in 10 11 17
*10 11 19	solid waste from wastewater treatment at the production site that contains dangerous substances

10 11 20	other solid waste from waste water treatment at the production site than that mentioned in 10 11 19
10 11 99	waste not specified elsewhere
<b>10 12</b>	waste from the production of ceramics, bricks, roof tiles and building materials
10 12 01	waste of raw material mixture before heat treatment
10 12 03	particles and dust
10 12 05	sludge and filter cakes from exhaust gas treatment
10 12 06	discarded forms
10 12 08	waste from ceramics, bricks, roof tiles and building materials (after heat treatment)
*10 12 09	solid waste from the treatment of exhaust gases containing hazardous substances
10 12 10	other solid waste from the treatment of exhaust gases than that mentioned in 10 12 09
*10 12 11	glazing waste containing heavy metals as mentioned in no. 1 letter ai hereof the attachment
10 12 12	glazing waste other than that mentioned in 10 12 11
10 12 13	sludge from wastewater treatment at the production site
10 12 99	waste not specified elsewhere
<b>10 13</b>	waste from the production of cement, lime and plaster and objects and products made from these materials
10 13 01	waste of raw material mixture before heat treatment
10 13 04	waste from calcination and slaking of lime
10 13 06	particles and dust (except 10 13 12 and 10 13 13)
10 13 07	sludge and filter cakes from exhaust gas treatment
*10 13 09	asbestos-containing waste from the manufacture of asbestos cement
10 13 10	other waste from the production of asbestos cement than that mentioned in 10 13 09
10 13 11	other waste of cement-based composite materials than that mentioned in 10 13 09 and 10 13 10
*10 13 12	solid waste from the treatment of exhaust gases containing hazardous substances
10 13 13	other solid waste from exhaust gas treatment than that mentioned in 10 13 12
10 13 14	concrete waste and concrete sludge
10 13 99	waste not specified elsewhere
<b>10 14</b>	waste from crematoria
*10 14 01	mercury-containing waste from the purification of exhaust gases
<b>11</b>	Waste from chemical surface treatment and coating of metals and others materials, and from hydrometallurgy with non-ferrous metals
<b>11 01</b>	waste from chemical surface treatment and coating of metals and others materials (e.g. galvanizing processes, galvanizing processes, pickling, etching, phosphating, alkaline degreasing and anodizing)
*11 01 05	acid stain
*11 01 06	acids not specified elsewhere
*11 01 07	basic stain
*11 01 08	phosphating sludge
*11 01 09	sludge and filter cakes containing dangerous substances
11 01 10	sludge and filter cakes other than those mentioned in 11 01 09
*11 01 11	rinse water containing hazardous substances
11 01 12	other rinsing water than that mentioned in 11 01 11

*11 01 13	degreasing waste containing hazardous substances
11 01 14	other degreasing waste than that mentioned in 11 01 13
*11 01 15	eluate and sludge from membrane systems or ion exchange systems containing dangerous substances
*11 01 16	saturated or spent ion exchange resins
*11 01 98	other waste containing hazardous substances
11 01 99	waste not specified elsewhere
<b>11 02</b>	waste from hydrometallurgical processes with non-ferrous metals
*11 02 02	sludge from zinc hydrometallurgy (including jarosite and goethite)
11 02 03	waste from the production of anodes for aqueous electrolysis processes
*11 02 05	waste from copper-based hydrometallurgical processes containing hazardous substances
11 02 06	other waste from copper-based hydrometallurgical processes than that mentioned in 11 02 05
*11 02 07	other waste containing hazardous substances
11 02 99	waste not specified elsewhere
<b>11 03</b>	sludge and solid waste from curing processes
*11 03 01	cyanide-containing waste
*11 03 02	other waste
<b>11 05</b>	waste from hot dip processes
11 05 01	hard zinc
11 05 02	zinc ash
*11 05 03	solid waste from exhaust gas treatment
*11 05 04	used flux
11 05 99	waste not specified elsewhere
<b>12</b>	Waste from forming and physical and mechanical surface treatment of metals and plastic
<b>12 01</b>	waste from forming and physical and mechanical surface treatment of metals and plastic
12 01 01	filing chips and turning chips of ferrous metals
12 01 02	dust and particles of ferrous metals
12 01 03	filing chips and turning chips of non-ferrous metals
12 01 04	dust and particles of non-ferrous metals
12 01 05	plastic shavings
*12 01 06	mineral-based processing oils containing halogens (except emulsions and solutions)
*12 01 07	mineral-based processing oils without halogens (except emulsions and solutions)
*12 01 08	processing emulsions and solutions containing halogens
*12 01 09	processing emulsions and solutions without halogens
*12 01 10	synthetic processing oils
*12 01 12	wax and fat waste
12 01 13	welding waste
*12 01 14	processing sludge containing hazardous substances
12 01 15	processing sludge other than that mentioned in 12 01 14

*12 01 16	waste from sandblasting that contains hazardous substances
12 01 17	other waste from sandblasting than that mentioned in 12 01 16
*12 01 18	oily metal sludge (from grinding and fine grinding)
*12 01 19	easily biodegradable processing oil
*12 01 20	used abrasive objects and abrasive materials containing hazardous substances
12 01 21	other used grinding objects and grinding materials than those mentioned in 12 01 20
12 01 99	waste not specified elsewhere
<b>12 03</b>	waste from degreasing processes with water and steam (except 11)
*12 03 01	aqueous cleaning fluids
*12 03 02	waste from steam degreasing
<b>13</b>	Waste oils and liquid fuel (except cooking oils and 05, 12 and 19)
<b>13 01</b>	waste hydraulic oils
*13 01 01	hydraulic oils containing PCBs as mentioned in no. 1 letter ci hereof the attachment
*13 01 04	chlorinated emulsions
*13 01 05	non-chlorinated emulsions
*13 01 09	mineral-based chlorinated hydraulic oils
*13 01 10	mineral-based non-chlorinated hydraulic oils
*13 01 11	synthetic hydraulic oils
*13 01 12	biodegradable hydraulic oils
*13 01 13	other hydraulic oils
<b>13 02</b>	waste of motor oils, gear oils and lubricating oils
*13 02 04	mineral-based chlorinated motor oils, gear oils and lubricating oils
*13 02 05	mineral-based non-chlorinated motor oils, gear oils and lubricating oils
*13 02 06	synthetic motor oils, gear oils and lubricating oils
*13 02 07	biodegradable motor oils, gear oils and lubricating oils
*13 02 08	other motor oils, gear oils and lubricating oils
<b>13 03</b>	waste of transformer oils and heat transfer oils
*13 03 01	transformer oils and heat transfer oils containing PCBs as mentioned in No. 1 letter ci of this appendix
*13 03 06	other mineral-based chlorinated transformer oils and heat transfer oils than those mentioned in 13 03 01
*13 03 07	mineral-based non-chlorinated transformer oils and heat transfer oils
*13 03 08	synthetic transformer oils and heat transfer oils
*13 03 09	easily biodegradable transformer oils and heat transfer oils
*13 03 10	other transformer oils and heat transfer oils
<b>13 04</b>	base oils
*13 04 01	bottom oils from speeding on inland waterways
*13 04 02	bottom oils from breakwater drains
*13 04 03	bottom oils from other types of shipping
<b>13 05</b>	content in water/oil separators
*13 05 01	solid waste from sand traps and oil/water separators
*13 05 02	sludge from oil/water separators

*13 05 03	sludge from oil separators
*13 05 06	oil from oil/water separators
*13 05 07	oily water from oil/water separators
*13 05 08	mixed waste from sand traps and oil/water separators
<b>13 07</b>	liquid fuel waste
*13 07 01	fuel oil and diesel oil
*13 07 02	gasoline
*13 07 03	other fuel (including mixtures)
<b>13 08</b>	oil waste not specified elsewhere
*13 08 01	desalination sludge or emulsions
*13 08 02	other emulsions
*13 08 99	waste not specified elsewhere
<b>14</b>	Waste of organic solvents, coolants and propellants (except 07 and 08)
<b>14 06</b>	waste of organic solvents, coolants and propellants for foam or aerosols
*14 06 01	chlorofluorocarbons, HKFK, HFC
*14 06 02	other halogenated solvents and solvent mixtures
*14 06 03	other solvents and solvent mixtures
*14 06 04	sludge or solid waste containing halogenated solvents
*14 06 05	sludge or solid waste containing other solvents
<b>15</b>	Packaging waste, absorbents, drying cloths, filtering materials and protective clothing which are not specified elsewhere
<b>15 01</b>	packaging (including separately collected municipal packaging waste)
15 01 01	packaging of paper and cardboard/cardboard
15 01 02	plastic packaging
15 01 03	wooden packaging
15 01 04	metal packaging
15 01 05	packaging of composite material
15 01 06	mixed packaging
15 01 07	glass packaging
15 01 09	textile packaging
*15 01 10	packaging that contains residues of or is contaminated by dangerous substances
*15 01 11	metal packaging containing a hazardous, solid porous material (e.g. asbestos), including empty pressure vessels
<b>15 02</b>	absorbents, filtering materials, drying cloths and protective clothing
*15 02 02	absorbents, filtering materials (including oil filters not specified elsewhere), drying cloths and protective clothing contaminated by hazardous substances
15 02 03	other absorbents, filtering materials, drying cloths and protective clothing than those mentioned in 15 02 02
<b>16</b>	Waste not specified elsewhere in the list
<b>16 01</b>	scrapped vehicles from different types of transport (including off-road vehicles) and waste from the dismantling of scrapped vehicles and from maintenance of vehicles (except 13, 14, 16 06 and 16 08)
16 01 03	discarded tires
*16 01 04	scrapped vehicles

16 01 06	discarded vehicles that contain neither liquids nor other hazardous substances components
*16 01 07	oil filters
*16 01 08	mercury-containing components
*16 01 09	components containing PCBs as mentioned in no. 1 letter ci of this appendix
*16 01 10	Explosive components (e.g. airbags) <sup>1</sup>
*16 01 11	brake linings containing asbestos
16 01 12	other types of brake lining than those mentioned in 16 01 11
*16 01 13	brake fluid
*16 01 14	antifreeze containing dangerous substances
16 01 15	antifreeze other than that mentioned in 16 01 14
16 01 16	tanks for liquefied gas
16 01 17	ferrous metal
16 01 18	non-ferrous metal
16 01 19	plastic
16 01 20	glass
*16 01 21	other dangerous components than those mentioned in 16 01 07–16 01 11 and in 16 01 13 and 16 01 14
16 01 22	components not specified elsewhere
16 01 99	waste not specified elsewhere
<b>16 02</b>	waste from electrical and electronic equipment
*16 02 09	transformers and capacitors containing PCBs as mentioned in no. 1 letter ci of this appendix
*16 02 10	other discarded equipment that contains or is contaminated by PCBs other than those mentioned in 16 02 09
*16 02 11	discarded equipment containing chlorofluorocarbons, HCFCs, HFCs,
*16 02 12	discarded equipment containing free asbestos
*16 02 13	other discarded equipment containing dangerous components than those mentioned in 16 02 09–16 02 12
16 02 14	other discarded equipment than that mentioned in 16 02 09–16 02 13
*16 02 15	hazardous components removed from discarded equipment
16 02 16	other components removed from discarded equipment than those mentioned in 16 02 15
<b>16 03</b>	unsorted production series and unused products
*16 03 03	inorganic waste containing hazardous substances
16 03 04	other inorganic waste than that mentioned in 16 03 03
*16 03 05	organic waste containing hazardous substances
16 03 06	other organic waste than that mentioned in 16 03 05
*16 03 07	metallic mercury
<b>16 04</b>	Discarded explosives <sup>1</sup>
*16 04 01	Discarded ammunition
*16 04 02	Discarded fireworks
*16 04 03	Other discarded explosives
<b>16 05</b>	gas in pressure vessels and discarded chemicals
*16 05 04	gas in pressure vessels (including halons) containing dangerous substances
16 05 05	other gas in pressure vessels than that mentioned in 16 05 04

*16 05 06	laboratory chemicals that consist of or contain dangerous substances, including mixtures of laboratory chemicals
*16 05 07	discarded inorganic chemicals consisting of or containing hazardous substances
*16 05 08	discarded organic chemicals that consist of or contain hazardous substances
16 05 09	other discarded chemicals than those mentioned in 16 05 06, 16 05 07 or 16 05 08
<b>16 06</b>	batteries and accumulators
*16 06 01	lead batteries
*16 06 02	Ni-Cd batteries
*16 06 03	batteries containing mercury
16 06 04	alkaline batteries (except 16 06 03)
16 06 05	other batteries and accumulators
*16 06 06	separately collected electrolyte from batteries and accumulators
<b>16 07</b>	waste from cleaning transport and storage tanks and barrels (except category 05 and 13)
*16 07 08	oily waste
*16 07 09	waste containing other hazardous substances
16 07 99	waste not specified elsewhere
<b>16 08</b>	spent catalysts
16 08 01	Spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)
*16 08 02	spent catalysts containing hazardous transition metals or transition metal compounds as mentioned in no. 1 letter bi of this appendix
16 08 03	spent catalysts containing transition metals or transition metal compounds as mentioned in No. 1 letter bi of this appendix which not specified elsewhere
16 08 04	spent catalysts for powder catalytic cracking (except 16 08 07)
*16 08 05	spent catalysts containing phosphoric acid
*16 08 06	liquids that have been used as catalysts
*16 08 07	used catalysts that are contaminated by hazardous substances
<b>16 09</b>	oxidizing substances
*16 09 01	permangates, e.g. potassium permanganate
*16 09 02	chromates, e.g. potassium chromate, potassium or sodium dichromate
*16 09 03	peroxides, e.g. hydrogen peroxide
*16 09 04	oxidizing substances not specified elsewhere
<b>16 10</b>	aqueous liquid waste to be treated externally
*16 10 01	aqueous liquid waste containing hazardous substances
16 10 02	other aqueous liquid waste than that mentioned in 16 10 01
*16 10 03	aqueous concentrates containing hazardous substances
16 10 04	other aqueous concentrates than those mentioned in 16 10 03
<b>16 11</b>	used linings and refractory materials
*16 11 01	carbon-based linings and refractories from metallurgical processes such as contains dangerous substances
16 11 02	other carbon-based linings and refractories from metallurgical processes than those mentioned in 16 11 01
*16 11 03	other linings and refractories from metallurgical processes such as

	contains dangerous substances
16 11 04	other linings and refractory materials from metallurgical processes than those mentioned in 16 11 03
*16 11 05	linings and refractories from non-metallurgical processes containing dangerous substances
16 11 06	linings and refractories other than those from non-metallurgical processes mentioned in 16 11 05
<b>16 50</b>	waste from oil drilling/production brought ashore
*16 50 71	oil-based drilling fluid (any drilling fluid containing oil or oil emulsion of mineral origin)
*16 50 72	oil-contaminated drilling cuttings (drilled-out rock mass from drilling with oil-based drilling fluid, > 1% oil on cuttings)
*16 50 73	chemical mixtures without halogen and heavy metals as mentioned in no. 1 letter ai this appendix
*16 50 74	chemical mixtures with halogen
*16 50 75	chemical mixtures with heavy metals as mentioned in no. 1 letter ai hereof the attachment
*16 50 76	pure chemicals/chemical residues without halogen and heavy metals as mentioned in no. 1 letter ai of this appendix
*16 50 77	pure chemicals with halogen and chemical residues with halogen (Cl, F, Br)
*16 50 78	pure chemicals with heavy metals and chemical residues with heavy metals such as mentioned in no. 1 letter ai of this appendix
<b>17</b>	Waste from construction and demolition work (including surplus material from contaminated construction sites)
<b>17 01</b>	concrete, brick, roof tiles, ceramics
17 01 01	concrete
17 01 02	brick
17 01 03	roof tiles and ceramics
*17 01 06	mixtures or unsorted fractions of concrete, brick, roof tiles and ceramics containing hazardous substances
17 01 07	other mixtures of concrete, brick, roof tiles and ceramics than those mentioned in 17 01 06
<b>17 02</b>	wood, glass and plastic
17 02 01	three
17 02 02	glass
17 02 03	plastic
*17 02 04	wood, glass and plastic that contain or are contaminated by dangerous substances
<b>17 03</b>	bitumen mixtures, coal tar and tar products
*17 03 01	bitumen mixtures containing coal tar
17 03 02	other bitumen mixtures than those mentioned in 17 03 01
*17 03 03	coal tar and tar products
<b>17 04</b>	metals (including alloys)
17 04 01	copper, bronze, brass
17 04 02	aluminum
17 04 03	lead
17 04 04	zinc

17 04 05	iron and steel
17 04 06	tin
17 04 07	mixed metals
*17 04 09	metal waste contaminated by hazardous substances
*17 04 10	cables containing oil, coal tar or other dangerous substances
17 04 11	cables other than those mentioned in 17 04 10
<b>17 05</b>	soil (including surplus material from contaminated building sites), stone and dredging mud
*17 05 03	soil and rock containing hazardous substances
17 05 04	soil and stone other than that mentioned in 17 05 03
*17 05 05	dredging mud containing hazardous substances
17 05 06	dredging mud other than that mentioned in 17 05 05
*17 05 07	railway ballast containing dangerous substances
17 05 08	other railway ballast than that mentioned in 17 05 07
<b>17 06</b>	insulation materials and asbestos-containing building materials
*17 06 01	asbestos-containing insulation materials
*17 06 03	other insulation materials that consist of or contain dangerous substances
17 06 04	other insulation materials than those mentioned in 17 06 01 and 17 06 03
*17 06 05	asbestos-containing building materials
<b>17 08</b>	gypsum-based building materials
*17 08 01	gypsum-based building materials that are contaminated by hazardous substances
17 08 02	other gypsum-based building materials than those mentioned in 17 08 01
<b>17 09</b>	other waste from construction and demolition work
*17 09 01	mercury-containing waste from construction and demolition work
*17 09 02	waste from construction and demolition work containing PCBs (e.g. sealant, resin-based floor coverings, insulating glass, capacitors containing PCBs) as mentioned in no. 1 letter ci of this appendix
*17 09 03	other waste from construction and demolition work (including mixed waste) such as contains dangerous substances
17 09 04	other mixed waste from construction and demolition work than that mentioned in 17 09 01, 17 09 02 and 17 09 03
<b>18</b>	Waste from medical treatment or veterinary treatment and/or associated research (except kitchen and restaurant waste which is not directly related for medical treatment)
<b>18 01</b>	waste from maternity wards and from diagnosis, treatment or prevention of disease in humans
18 01 04	waste where handling is not subject to special requirements for reasons of prevention of infections (e.g. dressings, plaster casts, bedding, clothing for disposables, diapers)
*18 01 06	chemicals that consist of or contain dangerous substances
18 01 07	other chemicals than those mentioned in 18 01 06
*18 01 10	amalgam waste from dentistry
<b>18 02</b>	waste from research, diagnosis, treatment or prevention of disease in animals
18 02 03	waste where handling is not subject to special requirements for reasons of prevention of infections
*18 02 05	chemicals that consist of or contain dangerous substances

18 02 06	chemicals other than those mentioned in 18 02 05
<b>19</b>	Waste from waste treatment plants and external sewage treatment plants and from production of drinking water and water for industrial use
<b>19 01</b>	waste from incineration or pyrolysis of waste
19 01 02	ferrous materials separated from bottom ash
*19 01 05	filter cakes from exhaust gas treatment
*19 01 06	aqueous liquid waste from the treatment of exhaust gases and other aqueous liquids waste
*19 01 07	solid waste from exhaust gas treatment
*19 01 10	used activated carbon from flue gas treatment
*19 01 11	bottom ash and slag containing hazardous substances
19 01 12	bottom ash and slag other than those mentioned in 19 01 11
*19 01 13	fly ash containing hazardous substances
19 01 14	fly ash other than that mentioned in 19 01 13
*19 01 15	boiler dust containing dangerous substances
19 01 16	boiler dust other than that mentioned in 19 01 15
*19 01 17	pyrolysis waste containing hazardous substances
19 01 18	pyrolysis waste other than that mentioned in 19 01 17
19 01 19	sand from fluidized bed furnaces
19 01 99	waste not specified elsewhere
<b>19 02</b>	waste from physico-chemical treatment of waste (including removal of chromium, removal of cyanide, neutralization)
19 02 03	pre-mixed waste consisting of only non-hazardous waste
*19 02 04	pre-mixed waste where at least one type of waste is hazardous
*19 02 05	sludge from physico-chemical treatment containing hazardous substances
19 02 06	other sludge from physical-chemical treatment than that mentioned in 19 02 05
*19 02 07	oil and concentrates from separation
*19 02 08	flammable liquid waste containing dangerous substances
*19 02 09	solid combustible waste containing hazardous substances
19 02 10	combustible waste other than that mentioned in 19 02 08 and 19 02 09
*19 02 11	other waste containing hazardous substances
19 02 99	waste not specified elsewhere
<b>19 03</b>	stabilized/hardened waste, cf. no. 1 letter d to e of this appendix
*19 03 04	waste listed as hazardous, partially stabilized and other than that mentioned in 19 03 08, cf. No. 1 letter fi of this appendix
19 03 05	other stabilized waste than that mentioned in 19 03 04, cf. no. 1 letter d and fi this the attachment
*19 03 06	waste listed as hazardous, hardened as mentioned in no. 1 letter ei of this appendix
19 03 07	other hardened waste than that mentioned in 19 03 06, cf. no. 1 letter e of this appendix
*19 03 08	partially stabilized mercury, cf. no. 1 letter fi of this appendix
<b>19 04</b>	vitrified waste and waste from vitrification
19 04 01	vitrified waste
*19 04 02	fly ash and other waste from flue gas treatment
*19 04 03	non-vitrified solid phase
19 04 04	aqueous liquid waste from hardening of vitrified waste, cf. no. 1 letter ei hereof

	the attachment
<b>19 05</b>	waste from aerobic treatment of solid waste
19 05 01	non-composted fraction of municipal waste and similar waste
19 05 02	non-composted fraction of animal and vegetable waste
19 05 03	compost that does not conform to specifications
19 05 99	waste not specified elsewhere
<b>19 06</b>	waste from anaerobic treatment of waste
19 06 03	effluent from anaerobic treatment of municipal waste
19 06 04	fermentation residue from anaerobic treatment of municipal waste
19 06 05	effluent from anaerobic treatment of animal and vegetable waste
19 06 06	fermentation residue from anaerobic treatment of animal and vegetable waste
19 06 99	waste not specified elsewhere
<b>19 07</b>	leachate from landfills
*19 07 02	leachate from landfills containing hazardous substances
19 07 03	other leachate from landfills than that mentioned in 19 07 02
<b>19 08</b>	waste from sewage treatment plants that is not specified elsewhere
19 08 01	grating goods
19 08 02	sand trap waste
19 08 05	sludge from the treatment of waste water from urban areas
*19 08 06	saturated or spent ion exchange resins
*19 08 07	solutions and sludge from the regeneration of ion exchangers
*19 08 08	waste from membrane systems containing heavy metals as mentioned in no. 1 letter ai of this appendix
19 08 09	mixtures of fat and oil from oil/water separation containing cooking oil and cooking fat
*19 08 10	other mixtures of fat and oil from oil/water separation than those mentioned in 19 08 09
*19 08 11	sludge containing hazardous substances from biological treatment of waste water from industry
19 08 12	other sludge from biological treatment of waste water from industry than that mentioned in 19 08 11
*19 08 13	sludge containing hazardous substances from other treatment of waste water from industry
19 08 14	other sludge from other treatment of waste water from industry than that mentioned in 19 08 13
19 08 99	waste not specified elsewhere
<b>19 09</b>	waste from the production of drinking water or water for industrial use
19 09 01	solid waste from first filtration and from screening
19 09 02	sludge from water clarification
19 09 03	decarbonisation sludge
19 09 04	used activated carbon
19 09 05	saturated or spent ion exchange resins
19 09 06	solutions and sludge from the regeneration of ion exchangers
19 09 99	waste not specified elsewhere
<b>19 10</b>	waste from the grinding of metal-containing waste

19 10 01	iron and steel waste
19 10 02	non-ferrous waste
*19 10 03	light fraction and dust containing hazardous substances
19 10 04	other light fraction and dust than those mentioned in 19 10 03
*19 10 05	other fractions containing dangerous substances
19 10 06	fractions other than those mentioned in 19 10 05
<b>19 11</b>	waste from the regeneration of oil
*19 11 01	used filtration clays
*19 11 02	acidic tar
*19 11 03	aqueous liquid waste
*19 11 04	waste from the purification of fuel oil with bases
*19 11 05	sludge from wastewater treatment at the production site containing dangerous substances
19 11 06	other sludge from waste water treatment at the production site than that mentioned in 19 11 05
*19 11 07	waste from flue gas cleaning
19 11 99	waste not specified elsewhere
<b>19 12</b>	waste from mechanical processing of waste (e.g. sorting, crushing, compression, pelleting) that are not specified elsewhere
19 12 01	paper and cardboard/cardboard
19 12 02	ferrous metal
19 12 03	non-ferrous metal
19 12 04	plastic and rubber
19 12 05	glass
*19 12 06	wood containing hazardous substances
19 12 07	other wood than that mentioned in 19 12 06
19 12 08	textile
19 12 09	minerals (e.g. sand, rock)
19 12 10	combustible waste (waste-based fuel)
*19 12 11	other waste (including mixtures of materials) from mechanical processing of waste containing hazardous substances
19 12 12	other waste (including mixtures of materials) from mechanical processing of waste than that mentioned in 19 12 11
<b>19 13</b>	waste from soil and groundwater remediation
*19 13 01	solid waste from the remediation of soil containing hazardous substances
19 13 02	other solid waste from soil remediation than that mentioned in 19 13 01
*19 13 03	sludge from the remediation of soil containing hazardous substances
19 13 04	other sludge from soil remediation than that mentioned in 19 13 03
*19 13 05	sludge from the remediation of groundwater containing hazardous substances
19 13 06	other sludge from groundwater remediation than that mentioned in 19 13 05
*19 13 07	aqueous liquid waste and aqueous concentrates from groundwater remediation which contain dangerous substances
19 13 08	other aqueous liquid waste and aqueous concentrates from remediation of groundwater than that mentioned in 19 13 07
<b>20</b>	Municipal waste (household waste and similar waste from trade, industry)

	and institutions) including separately collected fractions
<b>20 01</b>	separately collected fractions (except 15 01)
20 01 01	paper and cardboard/cardboard
20 01 02	glass
20 01 08	biodegradable kitchen and canteen waste
20 01 10	clothes
20 01 11	textiles
*20 01 13	solvents
*20 01 14	acids
*20 01 15	bases
*20 01 17	photographic chemicals
*20 01 19	pesticides
*20 01 21	fluorescent tubes and other mercury-containing waste
*20 01 23	discarded equipment containing chlorofluorocarbons
20 01 25	cooking oil and cooking fat
*20 01 26	other oil and other fat than that mentioned in 20 01 25
*20 01 27	paints, printing inks, adhesives and resins containing hazardous substances
20 01 28	other paints and other printing inks, adhesives and resins than those mentioned in 20 01 27
*20 01 29	cleaning agents containing hazardous substances
20 01 30	other cleaning agents than those mentioned in 20 01 29
*20 01 33	batteries and accumulators covered by 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing such batteries
20 01 34	batteries and accumulators other than those mentioned in 20 01 33
*20 01 35	other discarded electrical and electronic equipment than that mentioned in 20 01 21 and 21 01 23 containing hazardous components
20 01 36	other discarded electrical and electronic equipment than that mentioned in 20 01 21, 20 01 23 and 20 01 35
*20 01 37	wood containing hazardous substances
20 01 38	other wood than that mentioned in 20 01 37
20 01 39	plastic
20 01 40	metal
20 01 41	waste from chimney sweeping
20 01 99	other fractions not specified elsewhere
<b>20 02</b>	garden and park waste (including cemetery waste)
20 02 01	biodegradable waste
20 02 02	earth and stone
20 02 03	other waste that is not biodegradable
<b>20 03</b>	other municipal waste
20 03 01	mixed municipal waste
20 03 02	square waste
20 03 03	waste from street cleaning
20 03 04	sludge from septic tanks
20 03 06	waste from sewage treatment

20 03 07	bulky waste
20 03 99	municipal waste not specified elsewhere

1 For explosive waste, regulation 26 June 2002 no. 922 on the handling of explosive substances applies instead for the provisions in § 11-5 to § 11-18, cf. § 11-2 third paragraph.

0 Amended by regulations 9 Sep 2015 no. 1042 as amended by regulations 29 Oct 2015 no. 1254 (in force 29 Oct 2015), 9 Sep 2015 no. 1042 (in force 1 Jan 2016, as amended by regulation 15 Dec 2015 no. 1697), 22 Dec 2016 no. 1855, 30 Sep 2020 no. 1996.

## Appendix 2. Criteria that make waste hazardous waste

The appendix must be used for waste types mentioned in the waste list in appendix 1 which are marked both with and without an asterisk, cf. § 11-2 second paragraph letter a, and for waste that is not on the list in appendix 1, cf. § 11-2 other paragraph letter b.

### 1. General information on the classification of waste

Waste must be classified as hazardous if it meets the general criteria in no. 2 related to the waste's properties. Regardless of its properties, the waste must be classified as hazardous if it contains substances as mentioned in no. 3 in concentrations above the limit values.

### 2. Classification of waste based on the characteristics of the waste

In this appendix, a. codes for hazard statements are meant: codes laid down in Regulation (EC) No. 1272/2008 on classification, labeling and packaging of substances and substance mixtures (CLP Regulation) annexes I and VI. b. *hazard class*: the type of physical hazard, health hazard or environmental hazard, cf. the CLP regulation article 2 no. 1. c. *hazard category*: division according to criteria within each hazard class, which indicates the hazard's degree of severity, cf. CLP regulation article 2 no. 2.

As a general rule, the waste must be classified as hazardous if it contains substances which, in accordance with the CLP regulation, cf. the CLP regulation, must be classified with codes for hazard statements, hazard classes and hazard categories as indicated in the tables under properties HP 1 to HP 15, and the substances are present in concentrations as indicated in the tables. This applies unless something else is stipulated for the individual property.

For the properties HP 4, HP 6, HP 8 and HP 14, threshold values have been specified for the content of certain substances. Substances that occur below the threshold value must not be included when calculating concentrations of substances with the property in question.










When assessing the characteristics of the waste, the following notes in the CLP Regulation Annex VI can be taken into account where relevant: - Section 1.1.3.1; note

B, D, F, J, L, M, P, Q, R and U - Section 1.1.3.2; notes 1, 2, 3 and 5.

**HP 1 Explosive:** Waste which, through chemical reactions, can develop gas at such a temperature, pressure and speed that the surroundings can be damaged. This includes pyrotechnic waste, waste in the form of explosive organic peroxides and explosive self-reactive waste.

When a waste contains one or more substances assigned to one of the hazard codes shown in the table below, the waste must be assessed with regard to HP 1 according to test methods if this is appropriate and proportionate.




The waste must in any case be classified as HP 1 if the presence of a substance, a substance mixture or an object indicates that the waste is explosive.



<b>Danger pictogram</b>	<b>Codes for hazard class and hazard category</b>	<b>Code for statement of danger</b>
	Unst. Expl.	H200
	Expl. 1.1	H201
	Expl. 1.2	H202
	Expl. 1.3	H203
	Expl. 1.4	H204
	Self-react. A	H240
	Org. Perox. A	H240
	Self-react. B	H241
	Org. Perox. B	H241

*HP 2 Oxidising:* Waste that can cause or contribute to the combustion of other materials and objects, mainly by giving off oxygen.

Waste containing one or more substances assigned to one of the hazard statement codes shown in the table below must be assessed with regard to HP 2 if appropriate and proportionately according to test methods.

The waste must in any case be classified as HP 2 if the presence of a substance indicates that the waste is oxidizing.

<b>Danger pictogram</b>	<b>Codes for hazard class and hazard category</b>	<b>Code for statement of danger</b>
	Ox. Goose. 1	H270
	Ox. Liq. 1	H271
	Ox. Sun. 1	H271







	Ox. Liq. 2, Ox. Liq. 3	H272
	Ox. Sun. 2, Ox. Sun. 3	H272

**HP 3 Flammable:**

- flammable liquid waste: liquid waste with a flash point <60 °C or waste in the form of gas oil, diesel and light heating oil with a flash point >55 °C and  $\geq 75$  °C,
- flammable pyrophoric liquid and solid waste: solid or liquid waste that even in small quantities can ignite within five minutes after coming into contact with air,
- flammable solid waste: solid waste that is easily flammable or can cause or contribute to it fire by friction,
- flammable waste in gaseous form: gaseous waste that is flammable in air at 20 °C and at standard pressure of 101.3kPa,
- water-reactive waste: waste which, in contact with water, develops flammable gases into dangerous gases amounts,
- other flammable waste: flammable aerosols, flammable self-heating waste, flammable organic peroxides and flammable self-reactive waste.

Waste containing one or more substances that have been assigned one of the hazard statement codes in the table below shall be assessed with regard to HP 3 when it is appropriate and proportionate in accordance to test methods.

The waste must in any case be classified as HP 3 if the presence of a substance indicates that the waste is flammable.

<b>Danger pictogram</b>	<b>Codes for hazard class and hazard category</b>	<b>Code for statement of danger</b>
	Flam. Gas 1	H220
	Flam. Gas 2	H221
	Aerosol 1	H222
	Aerosol 2	H223
	Flam. Liq. 1	H224
	Flam. Liq. 2	H225
	Flam. Liq. 3	H226
	Flam. Sun. 1	H228

		
	Flam. Sun. 2	H228
	Self-React. CD	H242
	Self-React. EF	H242
	Org. Perox. CD	H242
	Org. Perox. EF	H242
	Pyr. Liq. 1	H250
	Pyr. Sun. 1	H250
	Self-heat. 1	H251
	Self-heat. 2	H252
	Water-react. 1	H260
	Water-react. 2 Water-react. 3	H261

*HP 4 Irritant - skin irritation and eye damage:* waste which can cause skin irritation on contact or eye damage.

Waste containing one or more substances that have been assigned one of the hazard statement codes in the table below in a concentration above the threshold value stated in the table, must be classified as dangerous by type HP 4 if the concentration of the substances exceeds or is equal to the limit values in the table.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code(s) for hazard statement(s)</b>	<b>Limit value</b>	<b>Threshold value (%)</b>
Skin Corr 1A/1B/1C	H314	1%	1

Eye Dam 1 	H318	10% (sum of concentration of all substances with this the hazard statement)	1
Skin Irritation. 2 Eye Irritation. 2 	H315 H319	20% (sum of concentration of all substances with both hazard statements)	1

Waste classified as hazardous of type HP 8 shall not be assessed as hazardous with regard to HP 4.



*HP 5 Specific target organ toxicity (STOT)/Aspiration hazard:* Waste which may cause organ damage after a single or repeated exposures, or which cause acute toxicity effects by aspiration.

Waste containing one or more substances assigned to one or more of the codes for hazard statement in the table below must be classified as dangerous of type HP 5 if the concentration of the substances exceed or are equal to the limit values in the table.

Waste containing substances classified as STOT must only be classified as hazardous by type HP 5 if the concentration of a single substance is higher than or equal to the limit value in the table.

Waste containing one or more substances assigned the code for hazard statement H304 must only be classified as dangerous of type HP 5 when the sum of the concentration of the substances exceeds or is equal to the limit value in the table and the total kinematic viscosity (at 40 °C) does not exceed 20.5 mm<sup>2</sup>/s. The kinematic viscosity shall only be determined for liquids.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code for statement of danger</b>	<b>Limit value</b>
STOT SEE 1 	H370	1% (Concentration of each single substance higher or equal)
STOT SE 2 	H371	10% (Concentration of each single substance higher or equal)
STOT SEE 3 	H335	20% (Concentration of each single substance higher or equal)
STOT RE 1 	H372	1% (Concentration of each single substance higher or equal)
STOT RE 2	H373	10% (Concentration of each single substance higher or equal)

		
Asp. Tox. 1 	H304	10% (Sum of concentration of all substances with this the hazard statement)

**HP 6 Acute toxicity:** Waste that can cause acute toxicity as a result of ingestion, skin contact or inhalation.




Waste containing one or more substances that have been assigned one or more of the hazard codes in the table below in a concentration above the threshold value in the table, must be classified as dangerous waste of the type HP 6 if the sum of the concentration of the substances in the waste exceeds or is equal to the limit values in the table. When several substances classified as acutely toxic are present in a waste, the sum of concentrations shall only be calculated for substances in the same hazard category and with the same hazard statement.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code for hazard statement</b>	<b>Limit value (Sum of concentration of all substances with the same hazard class/category and hazard statement)</b>	<b>Threshold value (%)</b>
Acute Tox. 1 (Oral) 	H300	0.1%	0.1
Acute Tox. 2 (Oral) 	H300	0.25%	0.1
Acute Tox. 3 (Oral) 	H301	5%	0.1
Acute Tox. 4 (Oral) 	H302	25%	1
Acute Tox. 1 (Dermal) 	H310	0.25%	0.1
Acute Tox. 2 (Dermal) 	H310	2.5%	0.1
Acute Tox. 3 (Dermal) 	H311	15%	0.1
Acute Tox. 4 (Dermal)	H312	55%	1

			
Acute Tox. 1 (Inhalation)	H330	0.1%	0.1
			
Acute Tox. 2 (Inhalation)	H330	0.5%	0.1
			
Acute Tox. 3 (Inhalation)	H331	3.5%	0.1
			
Acute Tox. 4 (Inhalation)	H332	22.5%	1
			

**HP 7 Carcinogenic:** Waste that can cause cancer or is suspected of causing it cancer.


Waste containing a substance assigned to one of the hazard statement codes in the table below must be classified as dangerous of type HP7 if the content of a substance exceeds or equals the limit values in the table. If the waste contains more than one substance that is classified as carcinogenic, the content of a single substance must exceed or be equal to the concentration limit for the waste to be classified as hazardous of the type HP 7.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code for statement of danger</b>	<b>Limit value (Concentration of each individual substance)</b>
Carc. 1A 	H350	0.1%
Carc. 1B 	H350	0.1%
Carc. 2 	H351	1.0%

**HP 8 Corrosive:** waste which, on contact, can cause caustic damage to the skin.




Waste that contains one or more substances classified with the code for hazard placement in a concentration above the threshold value in the table below must be classified as dangerous of the type HP 8 if the sum of the concentration of the substances exceeds or is equal to the limit value in the table.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code for hazard statement</b>	<b>Limit value (Sum of concentration of all substances with this hazard statement)</b>	<b>Threshold value (%)</b>
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Skin Corr. 1A, 1B, 1C 	H314	5.0%	1
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*HP 10 Reproductive toxicity:* waste which may cause or is suspected of causing harm effects on sexual function and reproduction in adults or cause birth defects.

Waste containing a substance assigned to one of the hazard statement codes in the table below must be classified as hazardous waste of the type HP 10 if the content of a substance exceeds or is equal to the limit values in the table. If the waste contains more than one substance that is classified as toxic for reproduction, the concentration of a single substance must exceed or be equal to the limit value in the table for the waste to be classified as hazardous of the HP 10 type.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code for statement of danger</b>	<b>Limit value (Concentration of each individual substance higher or equal)</b>
Repr. 1A 	H360	0.3%
Repr. 1B 	H360	0.3%
Repr. 2 	H361	3.0%

*HP 11 Germ cell mutagenicity:* waste that can cause damage to the genetic material in germ cells, the that is, a permanent change in the amount and structure of the genetic material in a cell.

Waste containing a substance assigned to one of the hazard statement codes in the table below i a concentration that exceeds or is equal to one of the limit values in the table must be classified as dangerous of type HP 11. If the waste contains more than one substance that is classified as mutagenic, the concentration of a single substance must exceed or be equal to the limit value in the table for the waste to be classified as hazardous of the type HP 11.

<b>Codes for hazard class and hazard category, hazard pictogram</b>	<b>Code for statement of danger</b>	<b>Limit value (Concentration of each individual substance)</b>
Bribery. 1A 	H340	0.1%
Bribery. 1B 	H340	0.1%
Bribery. 2 	H341	1.0%



**HP 12 Release of an acutely toxic gas:** Waste that comes into contact with water or acid releases acutely toxic gases (Acute Tox. 1, 2 or 3).

Waste containing a substance assigned a code for one of the supplementary hazard statements in the table below must be classified as hazardous of the type HP 12 if tests do not show that the waste does not have the dangerous properties.

	<b>Code for supplementary hazard statement</b>	
	EUH029	
	EUH031	
	EUH032	



**HP 13 Sensitizing:** Waste containing one or more substances known to cause allergy or breathing difficulties when inhaled or trigger an allergic skin reaction.


Waste containing a substance classified with one of the hazard statement codes in the table below and a single substance exceeds or is equal to the limit values in the table, must be classified as dangerous by type HP 13.

<b>Code for hazard class, hazard pictogram</b>	<b>Code for statement of danger</b>	<b>Limit value (Concentration of each individual substance)</b>
Skin Sens. 	H317	10%
Resp. Sens. 	H334	10%

**HP 14 Environmentally hazardous:** Waste that entails or may entail immediate or long-term risk for negative impact on the environment.

Waste containing one substance classified with one of the hazard statement codes or several substances with the same code for endangerment above the threshold values and limit values in the table below, must be classified as dangerous of the type HP 14.

<b>Code(s) for hazard class and hazard category, hazard pictogram</b>	<b>Code for statement of danger</b>	<b>Limit value</b>	<b>Threshold value (%)</b>
Ozone	H420	0.1% (concentration of each individual substance)	
Aquatic Acute 1 	H400	25% (sum of concentration of all substances with this the hazard statement)	0.1
Aquatic Chronic 1 	H410	0.25% (sum of concentration of all substances with this the hazard statement)	0.1
Aquatic Chronic 2	H411	2.5% (sum of	1

		concentration of all substances with this hazard statement)	
Aquatic Chronic 3	H412	25% (sum of concentration of all substances with this hazard statement)	1
Aquatic Chronic 4	H413	25% (sum of concentration of all substances with this hazard statement)	1

If the waste contains several substances classified with different codes for hazard statements above the threshold values in the table apply instead to the following rules:

Waste containing several substances assigned to one of the codes for the hazard statements H410, H411 or H412 must be classified as dangerous of the type HP14 if the concentration (c) of the substances is equal to or exceeds 25% when summed as follows:

$$100 \times \check{y}c (H410) + 10 \times \check{y}c (H411) + \check{y}c (H412) = \text{total } \check{y}c$$

If the concentration of substances after summation is below 25% and the waste also contains one or more substances assigned the code for hazard statement H413, the waste must be classified as hazardous of type HP14 if the concentration (c) of the substances equals or exceeds 25% when summed in the following way :

$$\check{y}c (H410) + \check{y}c (H411) + \check{y}c (H412) + \check{y}c (H413) = \text{total } \check{y}c$$

*HP 15 Waste which may have a hazardous property mentioned above which is not directly apparent from the original waste .*

Waste containing one or more substances classified with one of the codes for hazardous or supplementary hazard statement in the table below shall be classified as hazardous of type HP 15, unless the waste is in such a form that it will not under any circumstances have explosive or potentially explosive properties.

<b>Risk statement and supplementary risk statement</b>	
May explode in a fire	H205
Explosive in dry state	EUH001
May form explosive peroxides	EUH019
Risk of explosion when heating in a closed room	EUH044

### 3. Classification of waste based on the content of selected substances

This chapter specifies limit values for the content of selected substances that make the waste dangerous.

<b>Fabric</b>	<b>CAS no.</b>	<b>Limit value</b>
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)		15 µg/kg, cf. the toxicity equivalence factors in Annex IV to Regulation (EU) No. 850/2004
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)	50-29-3	50 mg/kg

Chlordane	57-74-9	50 mg/kg
Hexachlorocyclohexanes, including lindane	58-89-9 319-84-6 319-85-7 608-73-1	50 mg/kg
Dieldrin	60-57-1	50 mg/kg
Endrin	72-20-8	50 mg/kg
Heptachlor	76-44-8	50 mg/kg
Hexachlorobenzene	118-74-1	50 mg/kg
Chlordecone	143-50-0	50 mg/kg
Aldrin	309-00-2	50 mg/kg
Pentachlorobenzene	608-93-5	50 mg/kg
Polychlorinated biphenyls (PCBs)	1336-36-3 and others	50 mg/kg, cf. the calculation methods referred to in Annex IV to the regulation (EU) No. 850/2004
Mirex	2385-85-5	50 mg/kg
Toxaphene	8001-35-2	50 mg/kg
Hexabromobiphenyl	36355-01-8	50 mg/kg
Decabromodiphenyl ether	1163-19-5	2500 mg/kg
Hexabromocyclododecane	25637-99-4	2500 mg/kg

1 For explosive waste classified as hazardous waste of the type HP1 or HP 15, regulation 26 applies.

June 2002 No. 922 on the handling of explosive substances instead of the provisions in § 11-5 to § 11-18, cf.

§ 11-2 third paragraph.

2 For explosive waste classified as hazardous waste of the type HP1 or HP 15, regulation 26 applies.

June 2002 No. 922 on the handling of explosive substances instead of the provisions in § 11-5 to § 11-18, cf.

§ 11-2 third paragraph.

0 Amended by regulations 9 Sep 2015 no. 1042 as amended by regulations 29 Oct 2015 no. 1254 (in force 29 Oct

2015), 9 Sep 2015 no. 1042 as amended by regulation 29 Oct 2015 no. 1254 (in force 1 Jan 2016, previously

appendix 3), 13 April 2016 no. 374, 22 Dec 2016 no. 1855, 30 Nov 2017 no. 1862, 30 Sep 2020 no. 1996.

## Appendix 3. Standardized requirements for municipal reception

### 1. Purpose

The purpose of these standardized requirements for municipal reception is to ensure that municipal schemes for the reception of hazardous waste are operated in an environmentally sound manner.

### 2. Description of municipal reception arrangements

Municipal arrangements for the reception of hazardous waste are aimed at

- attended, stationary reception of hazardous waste (reception area etc.),
- unattended, stationary reception of hazardous waste (environmental stations etc.),
- mobile reception/collection of hazardous waste (collection arrangement, environmental bus, campaigns etc.),
- storage of hazardous waste.

#### 2.1 Attended stationary reception

Serviced stationary reception means reception where households and businesses can deliver hazardous waste according to chapter 11, Hazardous waste. The reception can be combined with storage for dangerous waste.

## 2.2 Unattended stationary receptions

By unmanned stationary receptions, also called environmental stations, is meant stalls, containers etc placed at central locations in the renovation area. Reception is limited to hazardous waste from households. Households themselves place waste in the reception. Due to the declaration obligation, hazardous waste from businesses is not accepted here.

## 2.3 Mobile reception/collection

Mobile reception/collection means collection of waste from the waste owner, or reception at environmental bus or during action within the waste disposal area to which the exception applies.

## 2.4 Storage of hazardous waste

The storage of hazardous waste means the storage of hazardous waste in storage pending transport to approved recycling or final treatment, or to another facility approved by the Norwegian Environment Agency or the state administrator.

<sup>1</sup> Because the reception is not staffed, the waste owner's opportunity to declare the waste ceases. Since businesses are obliged to declare their hazardous waste in accordance with § 11-12, unattended receptions must not accept hazardous waste from businesses.

## 3. Hazardous waste types

At the municipal receptions that are covered by the exception provision in § 11-7 letter e, it is permitted to receive the hazardous waste types defined in § 11-2.

## 4. Other types of waste

These standardized requirements do not include receiving waste in the following ADR classes: explosive substances (class 1) and radioactive materials (class 7) or substances with similar properties. The authority for the aforementioned substances and materials is the Directorate for Public Safety and Emergency Preparedness (DSB) and the Directorate for Radiation Protection and Nuclear Safety respectively. Infection-promoting substances (class 6.2) are also not covered by this appendix's standardized requirements. Regulation of this type of waste is being developed by the Ministry of Agriculture, the Ministry of Health and the Ministry of Climate and the Environment.

<sup>1</sup> ADR: European agreement on international road transport of dangerous goods.

## 5. Liability

It is the person who actually operates the municipal reception arrangements for hazardous waste and who is covered by the exception in § 11-7 letter e, who must ensure that the reception and the operation of the reception as a minimum satisfy the standardized requirements.

## 6. Protection against pollution - general requirements

### 6.1 Competence

The person who runs the reception arrangements for hazardous waste and the personnel who handle hazardous waste, are obliged to have the necessary knowledge and expertise about hazardous waste so that it is handled properly.

Plan for skills development: Whoever runs the municipal reception must have a plan for how competence is to be increased. According to the plan, the people who work at the reception must increase their competence and keep up-to-date in relation to current rules and norms, as well as develop their expertise on substances/waste that can be delivered to the reception. Plans for increasing competence and knowledge must be able to be documented (e.g. in the internal routines).

## 6.2 Prevention

Whoever runs the reception arrangements is obliged to implement the necessary measures to avoid that pollution must occur. Hazardous waste that is stored pending delivery/collection before treatment or other disposal must be secured so that the hazardous waste does not lead to runoff to the ground, drainage network or other recipient. Any game must be able to be collected.

## 6.3 Handling

Handling of hazardous waste must take place so that pollution does not occur. Hazardous waste must not mixed with other waste. Collected waste and/or water contaminated with hazardous waste must be handled as hazardous waste.

## 6.4 Preparedness

Whoever runs the reception arrangements must ensure that they have the necessary preparedness to prevent, detect or stop acute pollution. The obligation to prepare also includes equipment to remove and limit the impact of the pollution and the extent of the damage and inconvenience that may occur. It must e.g. at all times there is sufficient stock of absorbents and other necessary equipment, including protective equipment, to be able to deal with spills and leaks of hazardous waste. Preparedness must be in a reasonable proportion to the likelihood of acute pollution and the extent of the damage and inconvenience that may occur. In the case of certain quantities of flammable goods, permission must be obtained from the Directorate for Community Safety and Emergency Preparedness (DSB).

## 6.5 Notification

Acute pollution or risk of acute pollution must be notified in accordance with regulations on notification of acute pollution or danger of acute pollution.

## 7. Requirements for reception

### 7.1 Attended stationary reception

During opening hours, the facility must be manned. Outside opening hours, the hazardous waste must be secured against access by unauthorized persons. The person who runs the reception is obliged to accept all the hazardous waste types mentioned in point 3. The person who runs the reception must at least once per week ensure that the reception is emptied or assess the need for emptying and shipping to an approved warehouse or treatment facility.

When placing the reception, consideration must be given to the inconvenience to neighbors and the risk of pollution in particularly vulnerable areas.

### 7.2 Unattended stationary receptions

The reception must be locked. The key must be kept separately and only handed over at the request of possessing hazardous waste. At the reception, there must be information on which types of hazardous waste can be placed in the reception. There is no requirement for the reception to accept all types of hazardous waste.

The reception must have sufficient capacity. It must be ensured that waste is not left outside the reception area. Whoever operates the reception scheme must at least once per week ensure that the reception is emptied or assess the need for emptying.

When placing the reception, consideration must be given to the inconvenience to neighbors and the risk of pollution in particularly vulnerable areas.

### 7.3 Mobile reception/collection

The operator of the reception must have ADR-approved transport material at his disposal. Use and maintenance must take place in accordance with applicable laws and regulations.

Received and collected waste must be transported within 24 hours to facilities approved by the pollution authorities or to facilities covered by these standardized requirements for municipal reception. Reference is made in particular to the Directorate for Community Safety and Emergency Preparedness' own regulations on the road transport of dangerous goods (ADR).

#### 7.4 Storage of hazardous waste

Up to 50 tonnes of hazardous waste can be stored. Hazardous waste can be stored for up to 6 months before onward delivery. Hazardous waste must be stored as described above, under point 6 Protection against pollution. The warehouse must be such that proper inspection and handling can be carried out. The hazardous waste must be stored so that it can be easily moved, e.g. on pallets. Substances that cannot be collected together according to ADR must be stored in separate areas.

When placing the reception, consideration must be given to the inconvenience to neighbors and the risk of pollution in particularly vulnerable areas.

#### 8. Declaration

When receiving hazardous waste from businesses, the operator of the reception must ensure that the owner of the waste has declared the hazardous waste. The owner of the waste is himself responsible for the declaration being carried out correctly, cf. § 11-12.

When receiving hazardous waste from households, the municipality must declare the waste. Dangerous waste from households must be declared at the latest when the waste leaves the person covered by these standardized requirements for municipal reception.

All declarations must be made on a declaration form approved by the Norwegian Environment Agency. Pass one delivery of several types of waste, there must be at least one declaration for each type of waste.

#### 9. Record keeping and reporting

The person who runs the reception arrangements must keep a record that includes all necessary information about hazardous waste. The journal must contain information on the amount of hazardous waste, types of hazardous waste, declaration number, origin of the waste, etc. The journals must be easily accessible during inspections. They must be kept for at least 3 years.

The state administrator can order the operator of the reception arrangements to send the pollution authorities or other public bodies copies or summaries of all records.

0 Appendix 2 amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 19 Dec. 2013 no. 1757 (in force 1 Jan 2014), 9 Sep 2015 no. 1042 as amended by regulation 29 Oct 2015 no. 1254 (in force 1 Jan 2016, former annex 2), 13 April 2016 no. 374, 20 Dec 2018 No. 2092 (in force 1 Jan 2019), 14 Dec 2020 No. 3341 (in force 1 June 2021).

## Appendix 4. Minimum requirements for facilities for receiving and intermediate storage of hazardous waste

### 1. Storage of hazardous waste

The following requirements apply when storing hazardous waste: a.

Hazardous waste must be stored in such a way that the risk of contamination is limited as much as possible degree.

b. Stored hazardous waste must have adequate supervision.

- c. Any storage of hazardous waste must be based on an assessment of the environmental risk associated with the storage, cf. regulation 6 December 1996 no. 1127 on systematic health, environmental and safety work in enterprises.
- d. Storage of hazardous waste must take place under roof and on fixed cover with collection of any runoff. Another storage method can be used if the business can document that the chosen storage method provides at least as low risk and as good environmental protection. e. Different types of hazardous waste which, through mixing or contact, can cause danger fire/explosion and/or formation of dangerous substances, must be stored at a good distance. f. Tank storage must take place in line with the requirements of regulation 1 June 2004 no. 931 on the limitation of pollution (the pollution regulation) chapter 18. Under this, tanks containing substances that are liquid at normal pressure and temperature must have an effective collection arrangement that at least accommodates the tank's volume and which can withstand the chemicals in question, in addition, the collection arrangement that includes several tanks must have a capacity that at least corresponds to the largest tank's volume plus 10%, cf. the pollution regulations section 18-6 letter c second paragraph. g. The warehouse must be secured so that unauthorized persons cannot gain access. The business must be fenced and closed outside opening hours.

## 2. Storage period

Received waste must not be stored for longer than 12 months.

## 3. Oil separator

In the event of discharge of surface water, this must be directed through an oil separator or other equivalent treatment facility before it is discharged to a water recipient or drainage network in line with a permit.

Discharge to water from waste management is not permitted.

## 4. Financial security

Facilities for the reception and intermediate storage of hazardous waste must have financial security to cover it of costs of dealing with all hazardous waste at the company's facilities in the event of closure, suspension or in the event of payment problems.

The security must cover the maximum costs that can be expected to occur when the hazardous waste is to be handled in a responsible manner, including expenses for e.g. transportation. The calculation of the size of the security deposit must be based on the types of hazardous waste the facility can receive, and the maximum amount of hazardous waste that can be stored in accordance with the facility's permit.

The security shall take the form of a pledge in a blocked bank account in favor of the pollution authority with a paid-in amount corresponding to the amount to be secured, or by an unconditional demand guarantee from a bank issued to the pollution authority for an equivalent amount. If it can be proven that it will provide equivalent security, the pollution authority can, after a specific assessment, approve another form of security.

As soon as possible after the facility has received a permit and this has been forwarded to the facility, the security must be sent to the pollution authority for approval. Installations with permission granted before 1 January 2016 must send the guarantee to the pollution authority for approval within the deadline set in section 11-18.

Without an approved guarantee, hazardous waste cannot be received at the facility, unless special circumstances exist, and the state administrator grants a temporary postponement of the claim.

Every five years, or more often, if the pollution authority requires it, the business must assess whether the security deposit is sufficient to cover the costs of dealing with all hazardous waste at the business's facilities in the event of closure, suspension or in the event of payment problems. When

the assessment has been carried out, it must be reported to the pollution authority in connection with the business's self-reporting.

This provision does not apply to facilities where the operating company is a municipal or an inter-municipal company.

#### 5. Accounting for waste storage

Future costs for the treatment of stored hazardous waste must be included in the company's annual accounts accounting in line with Act 17 July 1998 no. 56 on annual accounts etc. (Accounting Act).

#### 6. Record keeping

The business must keep records of information on the receipt, storage and forwarding of everything hazardous waste that the business receives. The journal must be kept for at least three years.

#### 7. Reporting

The company must prepare an annual report that gives an account of the quantities and types of hazardous waste received, forwarded during the year and how much hazardous waste is stored on the company's premises at the end of the year. This overview must be sent to the pollution authority by 1 March of the following year.

0 Appendix 4 added by regulation 9 Sep 2015 no. 1042 (in force 1 Jan 2016), amended by regulation 14 Dec 2020 no. 3341 (in force 1 June 2021).

## Chapter 12. Fee for declaration of hazardous waste

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (Pollution Act) § 52a.

### Section 12-1. Scope

The provisions in this chapter cover the businesses that first receive hazardous waste subject to declaration according to the chapter on hazardous waste § 11-11.

### Section 12-2. Amount of the fee

The amount of the fee is NOK 38 per tonnes of waste up to 1,000 tonnes of hazardous waste received per year per company. When the total amount of waste received annually exceeds 1,000 tonnes, no fee shall be paid for the amount of waste that exceeds 1,000 tonnes.

The Norwegian Environment Agency can waive invoice amounts of less than NOK 100.

0 Amended by regulations 30 June 2009 no. 918 (in force 1 July 2009), 13 Jan 2011 no. 29, 25 Jan 2012 no. 94, 24 May 2017 No. 645, 27 Nov 2017 No. 1837, 13 Jan 2020 No. 42, 28 April 2021 No. 1314 (in force 1 May 2021), 28 Oct 2022 No. 1885 (in force 1 Nov 2022).

### Section 12-3. Fee obligation

The person who first receives hazardous waste subject to declaration from the waste owner is obliged to pay a fee to the Norwegian Environment Agency. The fee is due for payment 30 days after the invoice has been sent from the Norwegian Environment Agency.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

#### Section 12-4. Exception

Declarable hazardous waste types subject to special industry arrangements where the producer/importer is obliged to provide a corresponding overview and reporting of the waste stream as stated in chapter 11 on hazardous waste, are exempt from the fee obligation.

The Norwegian Environment Agency can, in individual cases, when there are special reasons, make exceptions from the fee obligation. The Norwegian Environment Agency can also in special cases reduce or waive fees imposed in accordance with these regulations.

0 Amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013).

## Chapter 13. Cross-border shipments of waste

0 Amended by regulations 26 Oct 2012 no. 995, 18 Nov 2014 no. 1450 (in force 1 Jan 2015), 30 Jan 2023 no. 161.

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (pollution act) § 31 and § 32. Cf. EEA Agreement Annex XX Chapter V No. 32c (Regulation (EC) No. 1013/2006, as amended by Regulation (EC) No. 1379/2007, Regulation (EC) No. 669/2008, Regulation (EC) No. 308/2009, Regulation (EU) No. 413/2010, Directive 2009/31/EC, Regulation (EU) No. 664/2011, Regulation (EU) No. 135/2012, Regulation (EU) No. 255/2013, Regulation (EU) No. 1257/2013, Regulation (EU) No. 660/2014, Regulation (EU) No. 1234/2014, Regulation (EU) 2015/2002 and Regulation (EU) 2020/2174) and No. 32cb (Regulation (EC) No. 1418/2007 as amended by Regulation (EC) No. 740/2008, Regulation (EC) No. 967/2009, Regulation (EU) No. 837/2010, Regulation (EU) No. 661/2011, Regulation (EU) No. 674/2012, Regulation (EU) No. 57/2013, Regulation (EU) No. 519/2013, Regulation (EU) No. 733/2014, regulation (EU) 2021/1840 and regulation (EU) 2022/520).

#### Section 13-1. Rules on cross-border shipments of waste

EEA Agreement Annex XX No. 32c (Regulation (EC) No. 1013/2006 as amended by Regulation (EC) No. 1379/2007, Regulation (EC) No. 669/2008, Regulation (EC) No. 308/2009, Regulation (EU) No. 413/2010, Regulation (EU) No. 664/2011, Directive 2009/31/EC, Regulation (EU) No. 135/2012, Regulation (EU) No. 255/2013, Regulation (EU) No. 660/2014, Regulation (EU) No. 1234/2014, Regulation (EU) 2015/2002, Regulation (EU) No. 660/2014, and Regulation (EU) 2020/2174) on shipments of waste apply as a regulation with the changes and additions that follow from Annex XX, protocol 1 to the agreement and the agreement in general.

No one must send waste to Svalbard, cf. Act 15 June 2001 no. 79 on environmental protection in Svalbard § 71, second paragraph.

For the shipment of waste according to Article 37 of Regulation (EC) No. 1013/2006 to states that do not apply OECD decision C(9239)/final, amended C(200110)7/final, the EEA Agreement Annex XX Chapter V no. 32cb (Regulation (EC) No. 1418/2007 as amended by Regulation (EC) No. 740/2008, Regulation (EC) No. 967/2009, Regulation (EU) No. 837/2010, Regulation (EU) No. 661/2011, Regulation (EU) No. 674/2012, Regulation (EU) No. 57/2013, Regulation (EU) No. 519/2013, Regulation (EU) No. 733/2014, Regulation (EU) 2021/1840 and Regulation (EU) 2022/520) on export for recovery of certain types of waste listed in Annex III or IIIA to European Parliament and Council Regulation (EC) No. 1013/2006, to certain states as the OECD decision on control of transboundary transport of waste does not apply as a regulation with the changes and additions that follow from Annex XX, protocol 1 to the agreement and the agreement in general.

0 Amended by regulations 25 June 2008 no. 766 (in force 1 July 2008), 26 Oct 2012 no. 995, 7 Jan 2014 no. 10, 13 March 2014 No. 269, 22 Oct 2014 No. 1338, 18 Nov 2014 No. 1450 (in force 1 Jan 2015), 5 Jan 2015 No. 4, 14 Sep 2015 No. 1920, 31 May 2016 No. 600, 14 Sep 2016 No. 1129, 6 Dec 2018 No. 1813, 18 Dec 2020 No. 3217 (in force 1 Jan 2021), 30 Jan 2023 No. 161.

### Section 13-2. Adoption and supervisory authority

The Norwegian Environment Agency is the responsible authority and contact body in Norway, cf. articles 53 and 54 of the regulation.

The Norwegian Environment Agency makes decisions in accordance with the regulation. Such decisions are individual decisions and must be in writing.

The Norwegian Environment Agency supervises that the provisions in this chapter are complied with.

0 Amended by regulations 25 June 2008 no. 766 (in force 1 July 2008), 26 Oct 2012 no. 995, 15 March 2013 no. 284 (in effective 1 July 2013).

### Section 13-3. Fee

The provisions in this paragraph apply to the collection of fees for the Norwegian Environment Agency's work with cross-border shipments of waste in accordance with this chapter.

The notifier, or the notifier's representative in Norway, must pay the following fee to the Treasury for The Norwegian Environment Agency's proceedings:

Consent to the import or export of waste	NOK 13,400.
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The fee is due for payment 30 days after the business has received the invoice from the pollution authority.

When special reasons exist, the Norwegian Environment Agency can reduce or waive the fee.

The Norwegian Environment Agency can change the fee rates in accordance with changes in the consumer price index in the period 1 October to 30 September. The changed rate must be rounded to the nearest NOK 100. The change comes into force on the following 1 January.

0 Added by regulation 25 June 2008 no. 766 as amended by decision 2 February 2009 no. 105 (in force 2 February 2009), amended by regulations 26 Oct 2012 no. 995, 15 March 2013 no. 284 (in force 1 July 2013), 18 Nov 2014 no. 1450 (in force 1 Jan 2015), 22 Feb 2016 no. 172, 17 Nov 2016 no. 1342 (in force 1 Jan 2017), 20 Nov 2017 no. 1800 ( in force 1 Jan 2018), 14 Dec 2018 no. 2030 (in force 1 Jan 2019), 19 Nov 2021 no. 3236 (in force 1 Jan 2022) , 4 Dec 2023 No. 1954 (in force 1 Jan 2024).

### Section 13-4. Violation fee

The Norwegian Environment Agency may, in the event of a breach of the following provisions in the regulations which are carried out in § 13-1 impose an infringement fee on the person responsible for the infringement:

- a. Regulation (EC) No. 1013/2006, Articles 34, 36, 39 and 40 on the prohibition of cross-border shipments of waste
- b. Regulation (EC)

No. 1013/2006, Articles 3, 35, 37 and 38 on the obligation to follow requirements in the procedure for cross-border shipments of waste, such as requirements for prior written notification and consent from the authorities

- c. regulation (EC) no. 1013/2006,

part II chapters 1, 2 and 3, as well as articles 35 and 38 on the requirements for cross-border shipments of waste, such as requirements for financial guarantees, accompanying documents and treatment confirmation.

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All waste dealers must ensure that the word "dealing with waste" is used in the description of purpose of the registration unit (species/industry) in the Unit Register.

All waste brokers must ensure that the word "waste brokering" is used in the description of the registration unit's purpose (species/industry) in the Unit Register.

0 Added by regulation [16 Dec 2015 no. 1701](#) (in force 1 Jan 2016).

### **Section 13a-3. *Obligation to keep records for dealers and brokers of hazardous waste***

All waste dealers and waste brokers must keep a chronological record of the hazardous the waste's quantity, nature, origin, recipient and, where this has been determined, the destination and treatment method planned for the waste. The information and documentation that confirms this must be kept for at least five years.

0 Added by regulation [16 Dec 2015 no. 1701](#) (in force 1 Jan 2016).

## **Chapter 14. Discarded PCB-containing insulating glass panes**

Established on the basis of [Act 13 March 1981 no. 6 on protection against pollution and on waste \(Pollution Act\) § 31 and § 33](#).

0 Chapter 14 added by regulation [13 July 2004 no. 1127](#).

### **Section 14-1. *Purpose***

The purpose of the provisions in this chapter is to ensure that all discarded PCB-containing insulating glass panes are collected and treated properly, cf. chapter 11 on hazardous waste.

### **Section 14-2. *Definitions***

In this chapter is meant: a.

*Insulating glass panes*; factory-made double or multi-glazed panes with dry air or special gas mixtures between the glasses, with a tight seal along the edges.

b. *PCB-containing insulating glass panes*; insulating glass panes which are considered hazardous waste in accordance with Chapter 11 on hazardous waste, as a result of the fact that they contain PCBs. c. *Manufacturer*; any actor who imports or in Norway produces insulating glass panes for it Norwegian market.

d. *Buyer*; any player throughout the value chain as a professional or private buyer insulating glass panes.

### **Section 14-3. *Duties for the municipality***

The municipality is obliged to receive up to 500 kg of PCB-containing insulating glass panes per year per waste owners from households and businesses with smaller quantities of hazardous waste in the municipality. This amount of waste is in addition to the amounts of hazardous waste the municipality is obliged to receive according to [§ 11-10](#).

The municipality must accept discarded PCB-containing insulating glass panes that are household waste free of charge.

0 Added by regulation [26 February 2008 no. 193](#) (in force 1 June 2008).

#### **Section 14-4. Obligations for manufacturers**

Manufacturers have a duty to ensure that any waste owner can deliver discarded PCB-containing waste insulating glass panes for proper treatment for a fee that does not exceed the normal price for the delivery of insulating glass panes without PCBs to normal waste reception. The manufacturer must cover the additional costs beyond this. The Norwegian Environment Agency determines for three years at a time what is considered the maximum normal price for the supply of insulating glass panes without PCBs, cf. appendix 1 to this chapter.

Manufacturers are also obliged to provide sufficient information to waste owners that PCB-containing insulating glass panes are part of a system for return and proper treatment and where they can be delivered.

Manufacturers must inform their customers unsolicited about which routes may contain PCBs.

The duties for each producer include the proportional share of discarded PCB-containing insulating glass panes that corresponds to the relevant market share for insulating glass panes in the Norwegian market.

Manufacturers must cover their obligations through participation in an approved return system by the Norwegian Environment Agency or the person authorized by the Ministry of Climate and the Environment. Criteria for approval of the return system are given in appendix 1 to this chapter.

Manufacturers must, unsolicited, inform and document their customers about which return system they participate in.

0 Amended by regulations [26 February 2008 no. 193](#) (in force 1 June 2008, former section 14-3), [21 June 2010 no. 1073](#), [15 March 2013 No. 284](#) (in force 1 July 2013), [19 Dec 2013 No. 1757](#) (in force 1 Jan 2014).

#### **Section 14-5. Obligations for the buyer of insulating glass panes**

Anyone who buys more than 200 insulating glass panes per year must request and be able to document that the manufacturer is a participant in an approved return system for insulating glass panes containing PCBs.

0 Amended by regulation [26 February 2008 no. 193](#) (in force 1 June 2008, former section 14-4).

#### **Section 14-6. Reporting**

Approved return companies must report annually to the Norwegian Environment Agency or the person authorized by the Ministry of Climate and the Environment about quantities of discarded PCB-containing insulating glass panes that have been collected and processed in accordance with [§ 14-4](#). The Norwegian Environment Agency or the person authorized by the Ministry of Climate and the Environment can lay down more detailed guidelines on how the reporting should take place.

0 Amended by regulations [26 February 2008 no. 193](#) (in force 1 June 2008, former section 14-5), [21 June 2010 no. 1073](#), [15 March 2013 No. 284](#) (in force 1 July 2013), [19 Dec 2013 No. 1757](#) (in force 1 Jan 2014).

#### **Section 14-7. Supervision**

The state administrator supervises that the duties for the municipality in this chapter are complied with.

The Norwegian Environment Agency also supervises that the provisions in this chapter and decisions made pursuant to the provisions in this chapter are followed.

0 Added by regulations 26 February 2008 no. 193 (in force 1 June 2008), amended by regulations 21 June 2010 no. 1073, 15 March 2013 no. 284 (in force 1 July 2013), 14 Dec 2020 no. 3341 (in force 1 June 2021).

## Attachment 1

0 Chapter 14 added by regulation 13 July 2004 no. 1127. Annex I amended by regulations 14 December 2007 no. 1430 (in force 1 January 2008), 26 February 2008 no. 193 (in force 1 June 2008), 21 June 2010 no 1073, 3 March 2011 No. 298, 15 March 2013 No. 284 (in force 1 July 2013), 31 January 2014 No. 99, 14 March 2017 No. 314, 15 April 2020 No. 797, 13 March 2023 No. 340.

### A. Criteria for an approved return system

- In order to be approved, the return system must:
1. Be nationwide and in accordance with § 14-4. The system must be able to be effective no later than 3 months after the approval has been granted.
  2. Document membership criteria that ensure all producers participate on equal terms. The it must be possible for disposable producers to be a member of the return scheme.
  3. Document a system for calculating the participants' market share, and the mutual distribution of costs in accordance with § 14-4.
  4. Be without financial purpose. No profit or dividend shall be paid to the owners of a return company.
  5. Document the contractual treatment solution for collected insulating glass panes which ensures that:
    - The panes go to treatment facilities that have the necessary permission to receive them according to Act 13 March 1981 No. 6 on pollution and on waste and Chapter 11 on hazardous waste.
    - PCBs in the waste have been neutralized no later than 12 months from the time of collection.
  6. Document that sufficient information is given to potential waste owners about where PCB-containing insulating glass panes can be delivered and that the windows are part of a system for safe handling of PCBs.

When approving the return company, the Norwegian Environment Agency can set further conditions, including requirements for sufficient financial security.

### B. Maximum normal price for the supply of insulating glass panes

The maximum normal price for the delivery of insulating glass panes in the years 2023–2025 is NOK 1,700 per tonne, excluding VAT.

## Chapter 14A. Concrete and bricks from demolition projects

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

### Section 14a-1. Purpose

The purpose of the provisions in this chapter is to promote the recycling of concrete and bricks from demolition projects, and to remove and destroy the environmental toxin PCB.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

### Section 14a-2. Scope

The provisions in this chapter apply to the demolition of buildings or parts of buildings made of concrete or brick and the use of concrete and brick from demolition projects to construction work, including road construction or car park, establishment of a noise embankment and backfilling after digging.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

### **Section 14a-3. Requirements for the removal and destruction of PCB-containing paint layers, plaster etc**

Before a building or part of a building in concrete or brick is demolished, any paint layers, joints, leveling compounds, plaster, and adjacent concrete and brick where the highest the concentration of  $\gamma$  7PCB is equal to or higher than 50 mg/kg is removed. If this is disproportionately expensive or technically difficult, the Norwegian Environment Agency can make exceptions.

Waste that has been removed in accordance with the first paragraph must be treated so that all PCBs in the waste remain destroyed.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

### **Section 14a-4. Requirements for the use of concrete and bricks from demolition projects**

Concrete and bricks from demolition projects can be used for construction work if it is useful to replace materials that would otherwise have been used and the following requirements are met:

- a. The concrete or brick must come from a construction site where the occurrence of health and environmental hazards substances in concrete and brick to the necessary extent were mapped by an operator with environmental engineering competence before demolition. The highest concentration of the following health and environmental hazards substances in representative samples from the concrete or brick must not exceed the following limit values:

<b>Fabric</b>	<b>Concentration limit (mg/kg)</b>
<i>Metals:</i>	
Arsenic	15
Lead (inorganic)	60
Cadmium	1.5
Mercury	1
Copper	100
Zinc	200
Chromium (III)	100 (tot)
Chromium (VI)	8
Nickel	75
<i>PCB:</i>	
$\gamma$ 7PCB	0.01
<i>PAH compounds:</i>	
$\gamma$ 16 PAHs	2
Benzo(a)pyrene	0.1
<i>Aliphatic hydrocarbons:</i>	
Aliphates C5–C6	7
Aliphates >C6–C8	7

Aliphates >C8–C10	10
Aliphates >C10–C12	50
Aliphates >C12–C35	100

b. The concrete or brick must not be soiled with chemicals that contain substances other than those mentioned in letter a, and which can cause significant damage or inconvenience to health or the environment.

c. The concrete or brick must not contain soft joints, rebar or plastic. d. The concrete must not consist of shotcrete.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

#### **Section 14a-5. Additional requirements when using concrete and bricks that have been painted, plaster etc**

If concrete or brick from demolition projects is to be used for construction work and the concrete or brick has been painted or applied with cement-based joints, screeds or plaster, the presence of PCBs, lead, cadmium and mercury in paint layers, joints, screeds and plaster must be mapped.

The mapping must be carried out by an operator with environmental technical expertise before demolition. If the mapping shows occurrences above the limit values in § 14a-4 letter a of these substances, the following requirements must be met in addition to the requirements in § 14a-4:

a. The highest concentration of PCB, lead, cadmium and mercury in paint layers, joints, screeds or plaster must not exceed the following limit values:

	γ PCB	Lead (Pb)	Cadmium (Cd)	Mercury (Hg)
Concentration (mg/kg)	1	1,500	40	40

b. The concrete and brick must be covered with a top cover. Unless solid pavement is used, including asphalt and concrete, the top deck must be at least 0.5 metres. c. The concrete and the

brick must not be used in seas, marshy areas or other areas where the concrete or the brick's pH and chemical stability will be significantly affected.

d. The concrete and brick must be laid at least one meter above the highest groundwater level.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

#### **Section 14a-6. Permission for use that does not meet the requirements in § 14a-4 and § 14a-5**

If the requirements in § 14a-4 and § 14a-5 are not met, concrete and bricks from demolition projects can only be used for construction work if the pollution authority has given permission for this according to § 11 of the Pollution Act.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

#### **Section 14a-7. Documentation requirements**

Anyone who uses concrete or bricks for construction work in accordance with § 14a-4 and § 14a-5 must be able to show that the requirements in this provision have been met and must be able to present a description for each demolition project that at least contains:

a. unambiguous indication of the one or the properties where the concrete or brick originated and landowner's name

b. by whom the mapping of substances hazardous to health and the environment was carried out by c. date of the mapping d. year of construction and year of significant change if known e. description of sampling of any paint layers, cement-based joints, screeds and plaster f. description of sampling of concrete and brick g. results from analyzes of the material samples h. what quantities of concrete and brick were used from the individual demolition project i. where and how the concrete and brick were used.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020).

#### **Section 14a-8. Supervision**

The municipality or the person authorized by the Norwegian Environment Agency supervises that the provisions herein the chapter is observed. If concrete or bricks from demolition projects are used in public road facilities, the state administrator nevertheless supervises that § 14a-4 to § 14a-7 are complied with.

0 Added by regulation 3 Feb 2020 no. 510 (in force 1 July 2020), amended by regulation 14 Dec 2020 no. 3341 (in effect 1 June 2021).

## **Chapter 15. Determination of waste fees for handling household waste**

0 Repealed 1 July 2010 by regulation 25 June 2010 no. 979. Added again by regulation 8 September 2014 no. 1160 (in effect 1 January 2015).

#### **Section 15-1. Purpose**

The purpose of this chapter is to ensure that waste fees for statutory handling of household waste is determined in line with the Pollution Act § 34 first paragraph.

In addition, the purpose of the regulation is to prevent illegal cross-subsidisation between the municipality's statutory handling of household waste and waste services that the municipality sells in the market, including waste services linked to the handling of commercial waste and household waste from other municipalities to which the municipality sells waste services.

0 Added by regulation 8 Sep 2014 no. 1160 (in force 1 Jan 2015).

#### **Section 15-2. Scope**

This chapter applies to the determination of waste fees for statutory handling of household waste in the municipality, cf. the Pollution Act § 29 third paragraph, § 30 and § 31 first paragraph.

This chapter does not apply to the municipality's handling of waste when selling waste services in the market.

0 Added by regulation 8 Sep 2014 no. 1160 (in force 1 Jan 2015).

#### **Section 15-3. Determining the waste fee**

The municipal board determines the waste fee.

The waste fee is determined so that it corresponds to the total costs incurred by the municipalities when handling household waste as required by law. Full cost coverage must be ensured. The municipality shall not make a profit from such waste management. Only the costs of and income from the statutory handling of household waste shall be included in the calculation of the waste fee.

0 Added by regulation [8 Sep 2014 no. 1160](#) (in force 1 Jan 2015).

#### **Section 15-4. *Separate accounting and cost distribution***

The municipality must have separate accounts for the statutory handling of household waste. This means that the municipality must prepare separate accounts for profit and balance for each financial year, in order to establish a clear distinction between the statutory handling of household waste and waste handling in the market.

All costs for the statutory handling of household waste must be covered by the waste fee. If the municipality also sells waste services in the market, the costs that are common to statutory handling of household waste and for the waste services sold in the market must be distributed proportionately.

0 Added by regulation [8 Sep 2014 no. 1160](#) (in force 1 Jan 2015).

#### **Section 15-5. *Reversal***

If the municipality, through the waste fee, has subsidized the municipality's activities related to waste management exposed to competition in violation of the rules here, the municipality must ensure that this is returned.

0 Added by regulation [8 Sep 2014 no. 1160](#) (in force 1 Jan 2015).

#### **Section 15-6. *(Repealed)***

0 Added by regulation [8 Sep 2014 no. 1160](#) (in force 1 Jan 2015), repealed by regulation [24 Sep 2020 no. 1976](#) (in effect 1 January 2021).

## **Chapter 16. Radioactive waste**

Established on the basis of [Act 13 March 1981 no. 6](#) on protection against pollution and on waste (Pollution Act) § 20, § 29 and § 31.

0 Chapter 16 added by regulation [1 Nov 2010 no. 1394](#) (in force 1 Jan 2011).

#### **Section 16-1. *Purpose***

The purpose of the provisions in this chapter is to ensure that radioactive waste is handled in such a way that it does not cause pollution or harm to people or animals, or the risk of this, and to contribute to an appropriate and sound system for handling radioactive waste .

0 Added by regulation [1 Nov 2010 no. 1394](#) (in force 1 Jan 2011).

## Section 16-2. Scope

The provisions in this chapter apply to the storage, delivery and handling of radioactive waste.

0 Added by regulation 1 Nov 2010 no. 1394 (in force 1 Jan 2011).

## Section 16-3. Definitions

In this chapter, a. *waste* is

meant : discarded movable objects or substances as defined in section 27 of the Pollution Act. b.

*radioactive waste*: waste in accordance with section 2 letter ci regulation 1 November 2010 no. 1394 on the

application of the Pollution Act to radioactive pollution and radioactive waste . c. *radioactive*

*waste subject to deposit*: radioactive waste in accordance with § 2 letter di regulation 1 November 2010 no. 1394

on the application of the Pollution Act to radioactive pollution and radioactive waste.

d. *handling*: a collective term for reception, interim storage, treatment and other disposal of radioactive waste,

e. *reception*: an offer, stationary or mobile, where the waste owner or collector can deliver radioactive waste,

f. *treatment*: physical/chemical/biological processes that are necessary or appropriate for disposal of the waste,

g. *disposal*: final disposal of radioactive waste, e.g. in the form of incineration, recycling or controlled disposal.

0 Added by regulation 1 Nov 2010 no. 1394 (in force 1 Jan 2011).

## Section 16-4. Proper storage, etc. of radioactive waste

Radioactive waste must be handled properly. Anyone who stores, transports or handles radioactive waste, must take the necessary measures to avoid the risk of contamination or harm to people or animals.

Radioactive waste must not be mixed with other waste and different types of radioactive waste must not be mixed if this could cause a risk of contamination or create problems for the further handling of the waste.

It is not permitted to dilute radioactive waste with the intention of falling below the limits for radioactive waste in Annex I to Regulation 1 November 2010 no. 1394 on the application of the Pollution Act to radioactive pollution and radioactive waste.

0 Added by regulation 1 Nov 2010 no. 1394 (in force 1 Jan 2011).

## Section 16-5. Permit to handle radioactive waste

Anyone who handles radioactive waste subject to disposal must have a permit from the Directorate for Radiation Protection and Nuclear Safety.

Anyone who has a permit to handle hazardous waste according to § 11-6 of these regulations can handle radioactive waste that is not subject to landfill.

Anyone who does not have permission to handle hazardous waste according to § 11-6 of these regulations, but who nevertheless handles radioactive waste that is not subject to disposal, must have a permit from the Directorate for Radiation Protection and Nuclear Safety.

0 Added by regulation 1 Nov 2010 no. 1394 (in force 1 Jan 2011), amended by regulation 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

#### **Section 16-6. Exemption from the requirement for permission**

The requirement for a permit according to § 16-5 does not apply to a. business that has a permit based on § 11 of the Pollution Act to handle radioactive waste from its own business that is subject to disposal, b. dealer who accepts radioactive waste from similar products that the dealer trades, cf. chapter 1 of these regulations and regulation 16 December 2016 no. 1659 on radiation protection and use of radiation (radiation protection regulations) § 14 first paragraph.

0 Added by regulation 1 November 2010 no. 1394 (in force 1 January 2011), amended by regulation 21 December 2016 no. 1889 (in force 1 January 2017).

#### **Section 16-7. Delivery obligation**

Businesses where radioactive waste that is subject to disposal is generated must deliver this to it which, according to § 16-5 and § 16-6, can handle radioactive waste subject to disposal.

Radioactive waste that is not required to be deposited must be delivered a. to the person who has approval or permission from the Directorate for Radiation Protection and Nuclear Safety to handle the waste,

b. to the person who according to § 16-5 second paragraph can handle the waste or c. in accordance with return arrangements for encapsulated radioactive radiation sources cf. radiation protection regulations § 14 first paragraph.

The radioactive waste must be delivered at least once per year.

In the event of closure of business or suspension of operations for more than 3 months, the obligation to deliver begins immediately.

The obligation to deliver does not apply to businesses that, with a permit under Section 11 of the Pollution Act, process or dispose of their own radioactive waste. The exception from the obligation to deliver only applies to what the permit under Section 11 of the Pollution Act covers.

0 Added by regulations 1 Nov 2010 no. 1394 (in force 1 Jan 2011), amended by regulations 21 Dec 2016 no. 1889 (in force 1 Jan 2017), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

#### **Section 16-8. Obligation to report in case of bankruptcy**

When bankruptcy is opened in a business where radioactive waste is stored, the trustees are obliged to immediately notify the Directorate for Radiation Protection and Nuclear Safety about the types and amounts of radioactive waste left behind.

0 Added by regulation 1 November 2010 no. 1394 (in force 1 January 2011), amended by regulation 20 December 2018 no. 2092 (in force 1 January 2019).

## Section 16-9. *Businesses' obligation to declare the contents of the waste*

Businesses that deliver radioactive waste must provide sufficient information about the origin, content and characteristics of the waste, so that the further handling of the waste can take place in a responsible manner. When the waste is delivered, the company must fill in a declaration form that has been approved by the Directorate for Radiation Protection and Nuclear Safety. The packaging must be clearly marked with the serial number of the declaration form. The marking must withstand physical and climatic influences.

0 Added by regulation 1 November 2010 no. 1394 (in force 1 January 2011), amended by regulation 20 December 2018 no. 2092 (in force 1 January 2019).

## Section 16-10. *Obligations for those who handle radioactive waste*

The person who handles radioactive waste is responsible for ensuring that the waste received from businesses is declared and must ensure that a declaration form accompanies all deliveries on onward delivery.

The person who first receives radioactive waste subject to declaration must no later than the 15th following month send a copy of the completed declaration form to the Directorate for Radiation Protection and Nuclear Safety or the person appointed by the Directorate.

Anyone who has permission to handle radioactive waste that is not subject to a deposit obligation according to § 16-5, second paragraph of these regulations must report the waste annually to the Directorate for Radiation Protection and Nuclear Safety. The directorate can determine more detailed guidelines for reporting.

The Directorate for Radiation Protection and Nuclear Safety or the person authorized by the Ministry of Climate and the Environment can set a fee for declaring radioactive waste.

0 Added by regulations 1 Nov 2010 no. 1394 (in force 1 Jan 2011), amended by regulations 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

## Section 16-11. *Export of radioactive waste*

Export of radioactive waste requires permission from the Directorate for Radiation Protection and Nuclear Safety. Conditions may be set for such permission.

- Permission to export radioactive waste can only be granted if a. it is considered necessary to ensure environmentally sound treatment of it
- radioactive waste based on an overall assessment of available treatment solutions in Norway, the nature of the waste and the environmental risk of various alternatives
  - b. the authorities in the importing, and possibly transit countries, have given permission for the receipt of the waste and possibly for transit
  - c. it can be documented that the waste will be taken care of in an environmentally sound manner at the destination
  - d. the exporter assumes full responsibility until the waste is taken over by the person who will take care of it at the destination.

Permission cannot be granted for the export of radioactive waste to

- a. areas south of 60 degrees south latitude
- b. a state that has a ban on the import of radioactive waste in its legislation
- c. a state that is not a party to the IAEA Joint Convention on the Safety of Handling Spent Nuclear Fuel and safety when handling radioactive waste.

The exporter must notify the Directorate for Radiation Protection and Nuclear Safety when final processing is completed is carried out at the place of destination.

If it turns out that the waste is nevertheless not handled in an environmentally sound manner at the destination, the exporter must take the waste back.

Discarded encapsulated radioactive sources that are returned in accordance with regulation 16 December 2016 no. 1659 on radiation protection and the use of radiation § 13 first paragraph do not require permission according to the first paragraph. The requirements in the fourth and fifth paragraphs still apply.

Export of offshore installations that contain both radioactive waste and hazardous waste only requires a permit from the Norwegian Environment Agency in accordance with Chapter 13 on cross-border transport of waste and Council Regulation (EC) No. 1310/2006. The Norwegian Environment Agency must obtain a statement from the Directorate for Radiation Protection and Nuclear Safety about the export of the radioactive waste before permission to export can be granted.

0 Added by regulation 1 November 2010 no. 1394 (in force 1 January 2011), amended by regulation 15 March 2013 no. 284 (in force 1 July 2013), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

1 The reference has not been updated and refers to the repealed radiation protection regulation of 29 October 2010 no. 1380. Cf. current radiation protection regulations 16 December 2016 no. 1659 § 14 first paragraph, Lovdata's note.

### **Section 16-12. Import of radioactive waste**

Import of radioactive waste requires permission from the Directorate for Radiation Protection and Nuclear Safety. Conditions may be set for such permission.

Permission to import radioactive waste can only be granted if there are compelling reasons and there are environmentally sound solutions for handling and processing the waste in Norway at businesses that have available capacity and the necessary permits according to Norwegian regulations.

Import of offshore installations containing both radioactive waste and hazardous waste requires only permission from the Norwegian Environment Agency according to Chapter 13 on cross-border transport of waste and Council Regulation (EC) No. 1310/2006. The Norwegian Environment Agency must obtain a statement from the Directorate for Radiation Protection and Nuclear Safety about the import of the radioactive waste before permission to import can be granted.

0 Added by regulation 1 November 2010 no. 1394 (in force 1 January 2011), amended by regulation 15 March 2013 no. 284 (in force 1 July 2013), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

### **Section 16-13. Supervision/control**

The Directorate for Radiation Protection and Nuclear Safety or the Ministry of Climate and the Environment authorizes supervises radioactive waste according to the provisions of this chapter.

0 Added by regulations 1 Nov 2010 no. 1394 (in force 1 Jan 2011), amended by regulations 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

### **Section 16-14. Exception**

In special cases, the Directorate for Radiation Protection and Nuclear Safety or the Ministry of Climate and Environment authorizes exceptions to this chapter.

0 Added by regulations 1 Nov 2010 no. 1394 (in force 1 Jan 2011), amended by regulations 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

## Chapter 17. Handling of mineral waste from the mineral industry

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (Pollution Act) § 9, § 12, § 40, § 41 and § 86. Cf. EEA Agreement Annex XX No. 32fe (Directive 2006 /21/EC), No. 32fea (Decision 2009/335/EC), No. 32feb (Decision 2009/337/EC), No. 32fed (Decision 2009/359/EC) and No. 32fee (Decision 2009/360 /EF).

0 Chapter 17 added by regulation 15 June 2012 no. 542.

### I. Preliminary provisions

0 Chapter 17 added by regulation 15 June 2012 no. 542.

#### Section 17-1. Purpose

The purpose of the provisions in this chapter is to ensure that mineral waste is handled in a responsible and controlled manner so that harmful effects on the environment and human health are prevented or reduced as far as possible.

#### Section 17-2. Scope

The provisions in this chapter apply to the handling of mineral waste. However, the provisions do not apply to:

- a. handling of waste from activities covered by regulation 1 June 2004 no. 931 on limitation of pollution (pollution regulations) chapter 30 on pollution from the production of crushed stone, gravel, sand and shingle
- b. handling of waste other than mineral waste arising from investigation, extraction and processing of mineral resources and operation of quarries
- c. handling of waste from offshore exploration, extraction and treatment of mineral resources
- d. injection of water that only contains substances originating from mining activities and re-injection of groundwater that has been pumped up from mines, to the extent permitted by regulations or individual decisions issued pursuant to the Pollution Act
- e. disposal of non-hazardous waste from the investigation of mineral resources, excluding oil and other evaporation products than gypsum and anhydrite, as well as disposal of non-contaminated soil and waste from the extraction, treatment and storage of peat.

#### Section 17-3. Definitions

In this chapter, a. mineral waste

is meant : waste from the land-based mineral industry that directly originates from exploration, extraction (including trial operation), treatment and storage of mineral resources and from the operation of quarries

- b. *treatment of mineral resources*: mechanical, physical, biological, thermal or chemical process or combination of processes used on mineral resources to extract the mineral, including reprocessing of previously discarded waste. Smelting, thermal production processes (except burning limestone) and metallurgical processes are excluded from the definition
- c. *hazardous waste*: waste which, in accordance with § 11-4, must be classified as hazardous
- d. *inert waste*: waste which:

1. will not undergo any significant degradation or dissolution or other significant change that may cause pollution of the environment or be harmful to human health

2. will not self-ignite or burn 3. either has a

maximum content of sulfur in sulphide form of 0.1 per cent or has a maximum content of sulfur in sulphide form of 1 per cent and a ratio between neutralization potential and acid formation potential determined using a static test per . EN 15875, greater than 3 4. has a content of substances hazardous to health and the environment,

including naturally occurring

elements and input chemicals, which are sufficiently low to pose a negligible health or environmental risk.

This requirement applies even if the substances hazardous to health and the environment are only present in fine particles.

This requirement will not be met if the content of inorganic substances hazardous to health or the environment exceeds the standard values for contaminated land set out in regulation 1 June 2004 no. 931 on the limitation of pollution (the pollution regulation) chapter 2 appendix 1 or the natural background values where the mineral waste must be deposited. The highest values must be taken as a basis if there is a difference between the standard values and the natural background values.

e. *tailings*: solid waste or sludge remaining after treatment of minerals by a separation process (e.g. crushing, grinding, size sorting, flotation and other physico-chemical techniques) to extract valuable minerals from less valuable rock f. *operator*: the natural or legal person who is responsible for handling the mineral waste, including for temporary storage of mineral waste, during the operational phase and after completion

g. *pollution authority*: The Norwegian Environment Agency is the pollution authority when the company's primary activities require permission from the Norwegian Environment Agency according to the Pollution Act. In all other cases, the state administrator is the pollution authority h.

*waste facility*: area on land, in the sea or in waterways designated for the collection or deposition of mineral waste, in solid form, liquid form, solution or suspension. The area is still only considered a waste facility if one of the following conditions is met:

1. The area is classified as a risk facility or is used for the storage of hazardous waste that has not occurred unexpectedly 2. The area is used for more than six months for the storage of hazardous waste that has occurred unexpectedly 3. The area is used for more than one year for the storage of non-hazardous waste that is not inert 4. The area is used for more than three years for the storage of inert waste or non-contaminated soil.

Open pits and mines in which mineral waste is returned for rehabilitation or construction purposes are not considered waste facilities. *Surface water*: coastal water, brackish water and fresh water, excluding groundwater.

0 Amended by regulations 15 March 2013 no. 284 (in force 1 July 2013), 14 Dec 2020 no. 3341 (in force 1 June 2021).

## II. Permit for waste facilities

0 Chapter 17 added by regulation 15 June 2012 no. 542.

### Section 17-4. Requirements for a permit

The person who is to operate a waste facility for mineral waste that may cause pollution or appear unsightly, must have permission from the pollution authority in accordance with this chapter. This permit must be an integral part of the business's permit according to Section 11 of the Pollution Act.

Permission shall not be granted unless the operator fulfills all relevant requirements in this chapter with annexes.

**Section 17-5. Application for permission**

The application for permission must contain at least the following information:

- a. the identity of the operator
- b. an assessment of whether the waste facility should be classified as a risk facility according to the criteria in Annex III to this chapter
- c. a proposal for the location of the waste facility, including any alternative locations
- d. a proposal for waste management plan, cf. § 17-7
- e. if relevant, proposal for financial security, cf. § 17-8
- f. impact assessment, if this is required by regulation 26 June 2009 no. 855 on impact assessments
- g. on relevant, necessary information so that the responsible authority can prepare an external emergency plan in accordance with § 17-16, cf. Annex I, section 2.

**Section 17-6. Content of the permit**

A permit to operate a waste facility must at least contain:

- a. the pollution authorities' classification of the waste facility in accordance with the criteria in Appendix III to this chapter
- b. requirements for the location of the waste facility
- c. approved waste management plan
- d. if required, requirements for satisfactory financial security
- e. requirements for reporting.

**Section 17-7. Waste management plan**

The operator must draw up a waste management plan for the minimisation, treatment, recycling and disposal of mineral waste based on the principle of sustainable development. The purpose of the plan is to prevent or reduce waste production and its negative environmental consequences, to promote the utilization of mineral waste if this is environmentally sensible and to ensure safe disposal of mineral waste in the short and long term.

The waste management plan must provide sufficient information so that it is possible for the pollution authority to assess the operator's ability to achieve the goals of the waste management plan and the obligations in accordance with this chapter. In particular, the plan must explain how the chosen method used for mineral extraction and processing reduces waste production and its environmental consequences.

The waste management plan must contain at least the following:

- a. a characterization of the mineral waste in accordance with Annex II to this chapter
- b. a description of how the environment and human health may be damaged by the disposal of the mineral waste
- c. proposals for measures to minimize the environmental impact, including measures to prevent deterioration of water quality and to prevent or minimize air pollution
- d. proposal for procedures for monitoring and control
- e. proposal for a plan for closure, including rehabilitation
- f. if relevant, proposal for a plan for subsequent operation and proposal for procedures for monitoring and control after completion.

The operator must assess the waste management plan every five years after the waste management plan has first been approved. If significant changes are made to the operation of the waste facility or the deposited waste, the waste management plan must be changed. Any changes must be notified to the pollution authority.

0 Amended by regulation 3 Dec 2021 no. 3374.

#### **Section 17-8. Financial security**

The operator must at all times have satisfactory financial security, for example in the form of a pledge for the pollution authority in a blocked bank account with a paid-in amount corresponding to the amount to be secured or an unconditional demand guarantee from a bank issued to the pollution authority for a corresponding amount, so that: a.

all obligations resulting from the permit or order issued pursuant to the Pollution Act

Section 20, second paragraph, first sentence, including requirements for subsequent operation, can be fulfilled b. there are sufficient funds available to close the waste facility, including rehabilitation of the land area affected by the waste facility, also if independent and qualified third parties are to plan and carry out the necessary work.

The operator must use independent and qualified third parties to calculate the necessary costs for closing the waste facility, including rehabilitation of the land area, and subsequent operation, including monitoring and treatment of pollutants. The calculations must take account of any unforeseen or early termination.

The requirement for financial security does not apply to waste facilities for inert waste and non-contaminated soil. The pollution authority can make exceptions to the requirement for financial security for facilities for non-hazardous waste that is not inert. The operator of the waste facility that is classified as a risk facility must nevertheless always provide financial security.

### **III. Requirements for waste management**

0 Chapter 17 added by regulation 15 June 2012 no. 542.

#### **Section 17-9. Requirements that apply when building or changing waste facilities**

When building a new waste facility or changing an existing waste facility, it must operators ensure that: a.

the waste facility has a suitable location b. the

waste facility is designed, managed and maintained in such a way as to ensure that it is

physically stable

c. the waste facility is designed, managed and maintained in such a way that contamination of soil,

air, surface water and groundwater are reduced to the greatest extent possible, cf. § 17-12

d. erosion as a result of water or wind is reduced to the extent that it is technically and economically possible

feasible e. damage

to the landscape is limited to the greatest extent possible f.

there are suitable procedures for regular monitoring and control of

the waste facility.

#### **Section 17-10. Requirements relating to the closure and subsequent operation of waste facilities**

Upon closure of a waste facility, or a limited part of it, the obligation to report also begins further in accordance with Section 20 of the Pollution Act.

A waste facility, or part of it, can only be considered finally closed if the pollution authority has carried out an inspection, ensured that the entire land area affected by the waste facility has been rehabilitated, and notified the operator of its approval of the closure. This does not reduce the operator's responsibility to comply with relevant conditions in the permit and orders from the pollution authority, including orders issued in accordance with the Pollution Act § 20, second paragraph, first sentence.

This provision does not apply to waste facilities for inert waste and non-contaminated soil.

### **Section 17-11. Requirements that apply to the return of mineral waste in open pits and mines for rehabilitation and construction purposes**

When returning mineral waste in open pits and mines for rehabilitation and construction purposes, the operator must take appropriate measures to: a. ensure that the mineral waste is stable b. prevent or minimize contamination of soil, air, surface water and groundwater, cf. § 17-12 c. ensure monitoring of mineral waste that is returned and of the open pit or mine .

### **Section 17-12. Measures to prevent deterioration of water quality and air and soil pollution**

The operator must take all necessary measures to prevent or, to the greatest extent possible, reduce any harmful effects on the environment and human health as a result of the handling of mineral waste. The measures must, among other things, be based on the best available techniques, cf. regulation 1 June 2004 no. 931 on the limitation of pollution (the pollution regulation) chapter 36 appendix II. The operator must, among other things:

- a. evaluate the potential for leachate production, including the content of pollutants in the leachate, in the deposited waste during operation and after completion of the waste facility, and determine the waste facility's water balance b. prevent or minimize leachate production and pollution of surface water, including coastal water, and groundwater from the waste. When depositing mineral waste in water, the rules in regulation 15 December 2006 no. 1446 on frameworks for water management apply c. take the necessary measures to collect and treat contaminated water and leachate in order to achieve the required emission quality
- d. take sufficient measures to prevent or reduce emissions of dust and gas.

If an environmental risk assessment indicates that it is not necessary to collect and process leachate, or that the waste facility does not cause any possible danger to soil, groundwater or surface water, the pollution authority can relax the requirements in letters b and c.

### **Section 17-13. Requirements that apply to ponds where cyanide occurs**

In a pond where cyanide occurs, the operator must ensure that the concentration of acid-soluble cyanide in the pond is reduced to the lowest possible level using the best available techniques.

The concentration of acid-soluble cyanide at which tailings are discharged from the processing plant to the pond, must not exceed 10 ppm.

The pollution authority can order the operator to ensure that a risk assessment is carried out that takes into account the plant's special conditions, in order to clarify whether it is necessary to lower these concentration limits further.

#### **Section 17-14. Registration**

The operator must keep records of all waste management activities and above monitoring and control.

## **IV. Prevention of, and preparedness for, major accidents at risk facilities**

0 Chapter 17 added by regulation 15 June 2012 no. 542.

#### **Section 17-15. Requirements for a plan for the prevention of major accidents and a contingency plan**

The operator responsible for waste facilities that the pollution authorities have classified as a risk facility in accordance with the provisions in Annex III to this chapter, excluding facilities that fall within the scope of regulation 17 June 2005 no. 672 on measures to prevent and limit the consequences of major accidents in businesses where dangerous chemicals are present (major accident regulations), before operations start:

- a. draw up a plan for the prevention of major accidents when handling mineral waste and implement a safety management system that implements it, in accordance with the provisions in section 1 of Annex I to this chapter. As part of this plan, the operator must appoint a safety officer responsible for the implementation and regular supervision of the plan for the prevention of major accidents
- b. implement a contingency plan that determines which measures must be taken in the event of an accident, in compliance with the provisions in section 2 of Annex I to this chapter.

The operator must convey information to the affected public about safety measures and appropriate behavior if a major accident occurs. The information must at least satisfy the requirements in section 3 of Annex I to this chapter. The information must be reassessed every three years and must, if necessary, be updated and disseminated again. The information must be disseminated at least every five years.

#### **Section 17-16. Public preparedness**

The municipality or the person appointed by the Ministry of Climate and the Environment must draw up an external emergency plan, in accordance with the provisions in section 2 of Annex I to this chapter, which determines which measures must be taken outside waste facilities as mentioned in section 17-15 in the event of an accident which have effects that are not covered by the private emergency response.

When drawing up or reassessing an external emergency plan, the public must be consulted opportunity to make a statement within a specified deadline.

0 Amended by regulation 19 Dec 2013 no. 1757 (in force 1 Jan 2014).

## **V. Final Provisions**

0 Chapter 17 added by regulation 15 June 2012 no. 542.

## Section 17-17. *List of closed waste facilities*

The Norwegian Environment Agency must ensure that an overview of decommissioned waste facilities which have been used for mineral waste and which have serious negative environmental effects, or which in the short or medium term may pose a serious threat to the environment or human health, is regularly updated. The overview must be made available to the general public.

0 Amended by regulation 15 March 2013 no. 284 (in force 1 July 2013).

## Sections 17-18. *Transitional provisions*

The person responsible for the operation of existing waste facilities must submit the information mentioned in section 17-5, to the extent that it is relevant for the continued operation, by 1 September 2012 at the latest. The pollution authority must, on the basis of the submitted information, change the permit so that it meets the requirements of section 17-6. The operator may nevertheless wait to submit proposals for financial security, as mentioned in section 17-8, until 1 September 2013. Financial security must be established by 1 September 2014 at the latest.

The provisions in this chapter do not apply to waste facilities that were closed before 1 May 2008.

The provisions in § 17-4 to § 17-8, § 17-10, § 17-15 and § 17-16 first paragraph do not apply to waste facilities that were closed after 30 April 2008 and that ceased to receive waste before 1 May 2006.

## Appendix I. Plan for the prevention of major accidents, emergency plan and information to be communicated to the affected public

0 Chapter 17 added by regulation 15 June 2012 no. 542.

### 1. *Plan for the prevention of major accidents*

The operator's plan for the prevention of major accidents and the safety management system must be proportionate to the risk of a major accident at the waste facility. With a view to being able to implement these, the following must be taken into account: a. the plan for the prevention of

major accidents must contain the operator's general goals and principles of action with regard to the control of the risk of major accidents b. the safety management system must include that part of the general management system which includes the organizational structure, areas of responsibility, procedures and resources to determine and implement the plan for the prevention of major accidents c. the safety management system must include the following points:

1. organization and staff - tasks and areas of responsibility for the staff who must prevent major accidents at all levels of the organisation; survey training needs for such staff and implementation of the relevant training; participation from employees and possibly subcontractors
2. mapping and assessment of major hazards – determination and implementation of procedures for systematic mapping of hazards for major accidents during normal or abnormal operation as well as assessing probability and degree of severity,
3. operational control – determination and implementation of procedures and instructions for safe operation, including maintenance, of facilities, processes and equipment as well as safety in the event of temporary shutdowns
4. management of changes – establishing and implementing procedures to plan

changes to existing waste facilities or the design of new waste facilities 5. contingency planning – determination and implementation of procedures for mapping foreseeable emergency situations through systematic analysis as well as preparation, testing and revision of contingency plans to be able to cope with such emergencies. The procedures must include the operator's system for reporting major accidents or near-misses, particularly if it concerns failing safety measures, as well as investigation and follow-up of such measures on the basis of experience gained 6. monitoring of performance - determination and implementation of procedures for ongoing evaluation of compliance with the objectives set out in the operator's plan for the prevention of major accidents and the safety management system, and the introduction of arrangements for investigation and correction in the event of non-compliance 7. control and analysis – determination and implementation of procedures for regular and systematic evaluation of the major accident prevention plan and the effectiveness and suitability of the safety management system; management's documented analysis and updating of the results of the plan and safety management system.

## 2. Contingency plan

The emergency plans must aim to:

- limit and control major accidents and other incidents, so that the effects are at least possible, in particular to limit damage to human health and the environment
- to implement the necessary measures to protect human health and the environment against the effects of major accidents and other incidents
- to provide the necessary information for the general public and the bodies concerned or authorities in the area immediately
- to ensure the rehabilitation and restoration of the environment after a major accident.

## 3. Information to be communicated to the general public

- the operator's name and the waste facility's address
- identification of the person providing the information, when specifying the position
- confirmation that the waste facility is covered by these regulations and, if relevant, information provided regarding the implementation of necessary measures in design, construction, operation, maintenance, closure and subsequent operation of the waste facility. The information must ensure that the risk of major accidents is identified so that it is possible to prevent serious accidents and limit harmful effects on human health and/or the environment, including effects across national borders
- a clear and simple explanation of the activities that take place at the facility
- general designations or general hazard classification for the substances and preparations that found at the waste facility, as well as waste that could cause a major accident, with an indication of the most important hazardous properties, e.g. general information on hazard classification for major accidents, including their potential impacts on people and the environment in the neighbourhood
- sufficient information about how the population in the neighborhood will be notified and kept informed in the event of a major accident
- sufficient information about what measures the affected population should take in the event of a major accident, and how it should be handled
- confirmation that the operator has a duty to take appropriate measures, including being in contact with rescue services, with the aim of combating accidents and reducing their effects as much as possible
- a reference to the external emergency plan that has been drawn up. In this regard, the affected population should be encouraged to comply with all instructions and recommendations from the rescue services in the event of an accident
- specifying where further information can be obtained, subject to claims on the duty of confidentiality laid down in national legislation.

## Appendix II. Characterization of mineral waste

0 Chapter 17 added by regulation 15 June 2012 no. 542.

## 1. Necessary information

- The characterization of the mineral waste must include the following: a. background information, including a description of the planned operation which includes:
1. information about research, extraction and processing
  2. information about which extraction method is used/planned to be used
  3. description of the final product
- b. geological background information about the deposit that is relevant for identifying them
- the types of waste that will occur during extraction and prospecting, including information on:
1. surrounding rocks, their chemistry and mineralogy, including hydrothermal changes of both mineral deposits and deposits without significant mineral content
  2. the nature of the deposit
  3. mineralization typology, chemical composition and mineralogy, including physical properties such as density, porosity, particle size distribution, water content, including mined minerals, minerals in the main formation and hydrothermal newly formed minerals
  4. size and geometry of the deposit
  5. chemical/mineralogical weathering and near-surface transformation
- c. a description of the mineral waste that is expected to occur during investigation, respectively, extraction and treatment of the mineral resources and the planned handling of the waste.
- The description must cover:
1. the origin of the mineral waste at the extraction site, and the chosen method that causes it the waste
  2. expected amount of mineral waste
  3. the chemical substances to be used when treating the mineral resources
  4. the waste transport system to be used
  5. what kind of waste facility is planned, final exposure of the mineral waste and disposal method
  6. relevant entry in the European waste list with indication of dangerous properties, cf. appendices 1 and 3 to chapter 11
- d. parameters for assessment of the mineral waste's inherent geotechnical properties which, when the type of waste facility is taken into account, appear to be suitable. The following parameters must be assessed: grain size, plasticity, density, water content, degree of compaction, hardness, friction angle, permeability, pore volume, compaction properties and consolidation
- e. a description of the chemical and mineralogical properties of the mineral waste, including any residual additives, and a description of the expected leaching chemistry, as a function of time, for each mineral waste type that takes into account planned handling.
- The description of the leaching chemistry shall include:
1. an evaluation of the leaching of metals, oxyanions and salts over time using a test that describes the pH dependence of the leaching, and/or a column test and/or a leaching test that takes into account the time aspect or other appropriate test methods.  
The test requirement does not apply to inert waste
  2. for mineral waste containing more than 0.1 per cent sulfur in sulphide form: information on the risk of formation of acidic drainage water and leakage of metals over time using static or kinetic tests.

## 2. Sampling program

If the necessary information is not available to be able to characterize the waste, it must set up a sampling program in accordance with EN 14899. The sampling program must be based on the information identified as necessary, including:

- a. the purpose of the data collection
- b. test program and requirements for sampling
- c. sampling situations, such as sampling drill cores, fracture fronts, conveyor belts, spillways, dams or other relevant places

- d. procedures and recommendations regarding the number, size, mass, description and handling of samples.

The results are assessed and, if necessary, additional information is collected using the same method.

## Appendix III. Criteria for classification of waste facilities

0 Chapter 17 added by regulation 15 June 2012 no. 542.

### 1. *Classification as a risk facility on the basis of assumed consequences of failure or incorrect operation*

#### 1.1 *Risk before a major accident*

A waste facility must be classified as a risk facility if a risk assessment, as referred to in point 1.2, shows that failure as a result of loss of structural integrity, e.g. that an overturning or dam collapses, or incorrect operation can cause a major accident.

A major accident means an event whose presumed consequences, in the short and long term, are: 1. non-negligible

risk of loss of human life 2. serious risk to human health,

including people sustaining injuries that cause handicaps or long-term health problems 3. serious

danger to the environment *Assessment of whether failure or*

*incorrect operation can cause a*

#### 1.2 *major accident In general*

##### 1.2.1

Whether failure as a result of loss of structural integrity or faulty operation at a waste facility can cause a major accident is decided on the basis of a risk assessment that takes into account factors such as the facility's current or future size, location and environmental effects.

An evaluation of the consequences of any loss of structural integrity must include the immediate effects resulting from the transport of materials away from the facility as a result of failure, and the subsequent consequences in the short and long term.

Failure or incorrect operation of a waste facility shall not be considered to cause non-negligible risk of loss of human life or serious risk to human health if the people who may be affected, with the exception of those employed at the facility, are not expected to stay permanently or for longer periods in the area that may be affected.

Failure or incorrect operation of a waste facility shall not be considered to entail a serious danger to the environment if any pollution decreases sharply within a short time, the failure does not lead to permanent or long-term environmental damage or the affected environment can be restored through a minor clean-up and recovery effort.

##### 1.2.2 *Waste ponds*

Failure as a result of loss of structural integrity in a tailings dam shall always be considered to entail a non-negligible risk of loss of human life if the failure will result in water or sludge standing at least 0.7 meters above the ground or moving at a speed above 0, 5 meters/second.

If the aforementioned conditions are not met, an overall assessment must be carried out in order to be able to estimate the risk of loss of human life and the risk to human health. The assessment must include at least the following factors:

- a. the size and characteristics of the waste facility, including its construction
- b. quantity and quality, including the physical and chemical properties of the waste that is

deposited in the waste facility

- c. topography of the waste facility area, including factors that can provide a dampening effect effect
- d. the time it takes for a potential tidal wave to reach areas where it is located human beings
- e. the propagation speed of the tidal wave
- f. the estimated water or mud level g. the rate of rise of the water or mud level h. all other relevant facility-specific factors that may affect the potential for loss of human life or danger to human health.

### 1.2.3

#### *Overtums*

In the event of a mass slide in a gray rock fall, i.e. mass from the quarry placed in a landfill, any mass in motion will be considered a threat to human life if there are people within reach of the rock mass.

The assessment of the risk of loss of human life and the risk to human health shall, as minimum include the following factors: a. the size and characteristics of the waste facility, including its construction b. quantity and quality, including the physical and chemical properties of the waste deposited in the waste facility c. the angle of inclination of the sides of the waste facility d. the potential for the build-up of internal groundwater in the waste facility e. the stability of the subsoil f. the topography g. the distance to waterways, facilities and buildings h. the extraction work i. all other relevant facility-specific factors, which can significantly contribute to the risk caused by the structure.

## 2.

### *Classification as a risk facility on the basis of the content of hazardous waste*

As a starting point, a waste facility must be classified as a risk facility if the content of hazardous waste, calculated as dry matter, is assumed to exceed 5 percent by weight of the total content of waste at the time of closure.

If the content of hazardous waste, calculated as dry matter, is assumed to be between 5 and 50 percent by weight of the total content of waste at the time of closure, the pollution authority can decide, on the basis of a site-specific risk assessment, that the facility should nevertheless not be characterized as a risk facility. The risk assessment must address the consequences of failure as a result of structural integrity or faulty operation.

## 3.

### *Classification as a risk facility on the basis of the content of dangerous substances or substance*

### 3.1

#### *mixtures Waste ponds*

Tailing ponds must be classified as risk facilities if the water phase meets or is expected to meet the requirements for hazardous chemicals in regulation 16 July 2002 no. 1139 on classification, labeling etc. of hazardous chemicals.

For planned waste ponds, the following method must be used; a. An inventory must be kept of substances and mixtures of substances that are used in the processes, and which are then released together with other waste sludge in the waste pond b. For each substance and each mixture of substances, an estimate of annual quantities, which are used during handling c. It must be decided whether the individual substance and the individual substance mixture are to be regarded as dangerous chemicals in accordance with regulations on classification, labelling, etc. of dangerous

chemicals. For each year of the planned operating period, the annual increase in the amount of stored water ( $\dot{y}Q_i$ ) in the tailings pond under stable conditions must be calculated, in accordance with the following formula:  $\dot{y}Q_i = (\dot{y}M_i/D) P$ , where: -  $\dot{y}Q_i$  = annual increase in amount water stored in the tailings pond (m<sup>3</sup>/year) during to ride"

-  $\dot{y}M_i$  = annual waste mass released into the pond (ton dry weight/year) during the course of year "in"

-  $D$  = average mass density of deposited tailings in the pond (ton dry weight/m<sup>3</sup>)

-  $P$  = average porosity in the waste materials (m<sup>3</sup> / m<sup>3</sup>) defined as the ratio between pore volume and the total waste materials.

If exact data is not available, standard values of 1.4 tonnes are used dry weight/m<sup>3</sup> for mass density and 0.5 m<sup>3</sup>/m<sup>3</sup> for porosity. d. For each

dangerous substance and each dangerous substance mixture, the maximum must be estimated annual concentration (C max) in the water phase in accordance with the following formula: C max = maximum of the following value;  $S_i/\dot{y}Q_i$ , where  $S_i$  = annual quantity of each substance and preparation as identified in point 5 letter c, which is discharged into the tailings pond during year "i".

For existing waste ponds, the classification of the waste facility is based on the above-mentioned method or on a direct chemical analysis of water and solids at the waste facility.

### 3.2

#### *Leaching plant*

For leaching plants, where metals are extracted from heaps of crushed ore and the leaching takes place by the flow of extraction liquid, the pollution authority must, after the leaching has been completed, require sampling and chemical analyzes of the drainage water downstream of the plant. A complete overview of the leaching chemicals used shall form the basis for the investigations. If the drain water is to be regarded as a dangerous mixture of substances in accordance with regulations on classification, labelling, etc. of hazardous chemicals, the waste facility must be classified as a risk facility.

## Chapter 18. (Repealed)

0 Added by regulation 14 October 2013 no. 1237, repealed by regulation 4 May 2021 no. 1397.

## Chapter 18A. Criteria for the end of the waste phase

0 The chapter added by regulation 9 Dec 2013 no. 1418.

Established on the basis of Act 13 March 1981 no. 6 on protection against pollution and on waste (Pollution Act) § 33.

Cf. EEA Agreement Annex XX No. 32ffa (Regulation (EU) No. 333/2011) and No. 32ffb (Regulation (EU) No. 1179/2012).

### **Section 18a-1. Ordinance on establishing criteria for determining when certain types of metal scrap cease to be waste**

The EEA Agreement Annex XX No. 32ffa (Regulation (EU) No. 333/2011) on the determination of criteria for determining when certain types of metal scrap cease to be waste in accordance with European Parliament and Council Directive 2008/98/EC applies as Norwegian regulation with the adaptations that follow from Annex XX, protocol 1 to the agreement and the agreement in general.

0 Added by regulation 9 Dec 2013 no. 1418.

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The provisions in this chapter apply unless otherwise specifically determined in the other chapters of the regulation.

0 Amended by regulations 15 June 2012 no. 542 (former section 17-1), 14 October 2013 no. 1237 (former section 18-1).

#### **Section 19-2. Obligation to provide information**

The rules on the obligation to provide information in Section 49 of the Pollution Act and Section 5 of the Product Control Act apply accordingly insofar as it is necessary to check and ensure compliance with the provisions of this regulation. The Norwegian Environment Agency, the Directorate for Radiation Protection and Nuclear Safety, the state administrator and the municipality can issue orders to provide information within their areas of authority in accordance with the regulations.

0 Amended by regulations 21 June 2010 no. 1073, 1 November 2010 no. 1394 (in force 1 January 2011), 15 June 2012 no. 542 (former section 17-2), 15 March 2013 no. 284 (in force 1 July 2013), 14 Oct 2013 no. 1237 (former § 18-2), 20 Dec 2018 no. 2092 (in force 1 Jan 2019), 14 Dec 2020 no. 3341 (in force 1 June 2021).

#### **Section 19-3. Supervision**

The Norwegian Environment Agency, the Directorate for Radiation Protection and Nuclear Safety or the person authorized by the Ministry of Climate and the Environment supervises that the provisions of this regulation and decisions made pursuant to the regulation are complied with within their areas of authority.

0 Amended by regulations 21 June 2010 no. 1073, 1 November 2010 no. 1394 (in force 1 January 2011), 15 June 2012 no. 542 (former section 17-3), 15 March 2013 no. 284 (in force 1 July 2013), 14 Oct 2013 no. 1237 (former § 18-3), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

#### **Section 19-4. Exception**

The Norwegian Environment Agency, the Directorate for Radiation Protection and Nuclear Safety or the Climate and the Ministry of the Environment can make exceptions to this regulation within its areas of authority.

0 Amended by regulations 21 June 2010 no. 1073, 1 November 2010 no. 1394 (in force 1 January 2011), 15 June 2012 no. 542 (former § 17-4), 15 March 2013 no. 284 (in force 1 July 2013), 14 Oct 2013 no. 1237 (former § 18-4), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

#### **Section 19-5. Complain**

Decisions made by the municipality in accordance with the provisions of this regulation can be appealed to the state administrator.

Decisions made by the state administrator in accordance with the provisions of this regulation may be complained to the Norwegian Environment Agency.

Decisions made by the Norwegian Environment Agency in accordance with the provisions of this regulation may be complained to the Ministry of Climate and the Environment.

Decisions made by the Directorate for Radiation Protection and Nuclear Safety in accordance with the provisions of this regulation can be appealed to the Ministry of Climate and the Environment.

The appeals body's decision in appeals cannot be appealed, except in accordance with Section 28, third paragraph, of the Public Administration Act.

0 Amended by regulations 21 June 2010 no. 1073, 1 November 2010 no. 1394 (in force 1 January 2011), 15 June 2012 no. 542 (former section 17-5), 15 March 2013 no. 284 (in force 1 July 2013), 14 Oct 2013 no. 1237 (former § 18-5), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019), 14 Dec 2020 no. 3341 (in force 1 June 2021).

#### **Section 19-6. Compulsory fine**

To ensure that the provisions of these regulations or decisions pursuant to these regulations is carried out, the Environment Agency, the Directorate for Radiation Protection and Nuclear Safety, the state administrator and the municipality can decide on compulsory fines pursuant to Section 73 of the Pollution Act or Section 13 of the Product Control Act within their areas of authority according to the regulations.

0 Amended by regulations 21 June 2010 no. 1073, 1 November 2010 no. 1394 (in force 1 January 2011), 15 June 2012 no. 542 (former § 17-6), 15 March 2013 no. 284 (in force 1 July 2013), 14 Oct 2013 no. 1237 (former § 18-6), 20 Dec 2018 no. 2092 (in force 1 Jan 2019), 14 Dec 2020 no. 3341 (in force 1 June 2021).

#### **Section 19-7. Penalty**

Violation of provisions in these regulations based on Sections 30 to 33 of the Pollution Act can be punished with fines, cf. Section 79 second paragraph of the Pollution Act, if the situation is not covered by stricter penal provisions. In the case of other breaches of the regulations or decisions made pursuant to the regulations, Chapter 10 of the Pollution Act or Section 12 of the Product Control Act will apply, if the situation is not covered by stricter criminal provisions.

0 Amended by regulations 15 June 2012 no. 542 (former section 17-7), 14 October 2013 no. 1237 (former section 18-7).

#### **Section 19-8. Distribution of authority**

In addition to what appears in the provisions of these regulations, the proper pollution authority is the person or persons who, in accordance with previous delegation decisions in the Ministry of Climate and the Environment or the Norwegian Environment Agency, have been assigned authority in areas that fall within the scope of these regulations. The Directorate for Radiation Protection and Nuclear Safety has been assigned authority for matters relating to radioactive pollution and radioactive waste, cf. § 4 and § 5 of regulation 1 November 2010 no. 1394 on the application of the Pollution Act to radioactive pollution and radioactive waste.

0 Amended by regulations 21 June 2010 no. 1073, 1 November 2010 no. 1394 (in force 1 January 2011), 15 June 2012 no. 542 (former section 17-8), 15 March 2013 no. 284 (in force 1 July 2013), 14 Oct 2013 no. 1237 (former § 18-8), 19 Dec 2013 no. 1757 (in force 1 Jan 2014), 20 Dec 2018 no. 2092 (in force 1 Jan 2019).

#### **Section 19-9. Entry into force**

The regulation enters into force on 1 July 2004, unless otherwise follows from special provisions therein individual chapters. From the same time, the following are repealed: regulation 17 July 1990 no. 616 on environmentally harmful batteries, regulation 10 December 1993 no. 1182 on return systems for packaging for beverages, regulation 25 March 1994 no. 246 on collection and recycling of discarded tyres,

regulation 30 December 1994 no. 1231 on cross-border transport of waste,  
regulation 24 May 1995 no. 508 on incineration of municipal waste,  
regulation 20 May 1995 no. 498 on incineration of waste oil,  
regulation 10 December 1996 no. 1310 on handling of discarded CFC-containing cold furniture,  
regulation 20 June 1997 no. 627 on the incineration of hazardous  
waste, regulation 16 March 1998 no. 197 on discarded electrical and electronic  
products, regulation 3 January 2000 no. 1 on reimbursement of tax on  
trichloroethene (TRI), regulation 13 December 2000 no. 1236 on the  
declaration of hazardous waste, regulation 21 March 2002  
no. 375 on the disposal of waste, regulation 26 June  
2002 no. 750 on scrapped vehicles, regulation 20 December 2002  
no 1816 on incineration of waste, regulation 20 December 2002 no. 1817 on hazardous waste.

0 Amended by regulations 15 June 2012 no. 542 (former section 17-9), 14 October 2013 no. 1237 (former section 18-9).