

Regulations of 1 June 2004 No. 931 on pollution control (Pollution Regulations) (excerpts from the Regulations)

Legal basis: Laid down by the Ministry of the Environment (now the Ministry of Climate and Environment) on 1 June 2004 under the Act of 9 June 1903 No. 7 relating to public control of the seaworthiness of ships, etc., Act of 31 May 1974 No. 17 relating to municipal water and sewage taxes section 2, Formal Delegation of 6 September 1974 No. 14, Act of 11 June 1976 No. 79 relating to the control of products and consumer services (Product Control Act) section 4, cf. Regulations of 5 August 1977 No. 2 concerning the implementation of the Act relating to the control of products and consumer services and Formal Delegation of 7 September 1990 No. 730 and Act of 13 March 1981 No. 6 relating to protection against pollution and relating to waste (Pollution and Waste Act) sections 5, 9, 10, 11, 12, 13, 16, 20, 22, 24, 29, 31, 32a, 33, 39, 40, 49, 51, 52a, 52c, 63, 74, 81, 85, 86 and 88, cf. Formal Delegation of 8. July 1983 No. 1245, Formal Delegation of 16 May 1986 No. 1094, Formal Delegation of 11 June 1993 No. 785 and Formal Delegation of 28 May 2004 No. 790.

Added legal basis: Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 3, 13, 31, 32, 33, 34, 35, 37, 43, 44, 45, 46, 47, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 23 November 2007 No. 1289, Act of 26 June 1998 No. 47 relating to recreational and small craft sections 20, 26 and 38, cf. Formal Delegation of 27 November 1998 No. 1095 and Formal Delegation / Royal Decree according to chapter 5.

EEA references: EEA Agreement Annex II chapter XVII point 1 (Directive 75/716/EEC as amended by Directive 87/219/EEC) and point 6 (Directive 93/12/EEC as amended by Directive 1999/32/EC), chapter XIX point 1 (Directive 98/34/EC), Annex X point 1 (Directive 2006/123/EC), Annex XIII point 56i (Directive 2000/59/EC as amended by Directive 2002/84/EC and Directive 2007/71/EC), Annex XX (Directive 76/464/EEC, 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC as amended by Directive 88/347/EEC and Directive 90/415/EEC) and (Directive 80/68/EEC as amended by Directive 91/692/EEC), point 1ea (Regulation (EC) No 1221/2009), point 1h (Regulation (EC) No 166/2006), point 1i (Directive 2004/35/EC as amended by Directive 2006/21/EC and Directive 2009/31/EC), point 2g (Directive 96/61/EC), point 13 (Directive 91/271/EEC as amended by Directive 1998/15/EC), point 13d (Directive 2000/69/EC), point 13e (Directive 1999/30/EC), point 13cad (Directive 2008/105/EC), point 14a (Directive 96/62/EC), point 14c (Directive 2008/50/EC), point 21ab (Directive 1999/13/EC as amended by Directive 2004/42/EC, Directive 2008/112/EC), point 21ad (Directive 1999/32/EC as amended by Directive 2005/33/EC), point 21ag (Directive 2002/3/EC), point 21ak (Directive 2004/107/EC), point 21ar (Directive 2001/81/EC), point 21at (Directive 2009/31/EC), point 32g (Directive 2002/49/EC) and Directive 2008/50/EC.

Amendments: Amended by Regulations of 1 January 2012 No. 11, 4 June 2012 No. 489, 19 January 2013 No. 1757, 15 March 2013 No. 284, 3 October 2013 No. 1201, 29 January 2014 No. 77, 25 October 2016 No. 1252, 31 March 2017 No. 435, 15 January 2018 No. 55, 20 December 2018 No. 2092.

Chapter 20 Reception facilities for ship-generated waste and cargo residues

Laid down under the Act of 9 June 1903 No. 7 relating to public control of the seaworthiness of ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 31, 33, 35 and 37, cf. Formal Delegation of 16 February 2007 No. 171 and Act of 26 June 1998 No. 47 relating to recreational and small craft sections 20 and 38, cf. Formal Delegation of 27 November 1998 No. 1095 and Formal Delegation / Royal Decree according to chapter 5. Also laid down under the Act of 13 March 1981 No. 6 concerning protection against pollution and concerning waste (Pollution Control Act) chapter 5. Cf. the EEA Agreement Annex XIII No. 56i (Directive 2000/59/EC as amended by Directive 2002/84/EC).

Legal basis amended by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

I General provisions

Section 20-1

Purpose of the regulation

The purpose of this Chapter is to protect the external environment by ensuring the establishment and operation of adequate reception facilities for ship-generated waste and cargo residues, and by ensuring delivery of ship-generated waste and cargo residues to port reception facilities.

Section 20-2

Scope of application

This Chapter applies to:

- a) all ships, Norwegian and foreign, including fishing vessels, pleasure craft, warships, naval auxiliary vessels and other ships owned or operated by the Norwegian state or by a foreign state, calling at a Norwegian port,
- b) all Norwegian ports normally visited by ships falling under the scope of paragraph a).
- c) Subpart III "Notification and delivery of waste and cargo residues" shall apply to Norwegian ships calling at a port within the European Economic Area.

Section 20-3

Definitions

For the purpose of this Chapter the following definitions shall apply:

1. “*Ship-generated waste*”: Any kind of waste, including sewage, and residues other than cargo residues, which are generated during the operation of a ship and fall under the scope of Annex I (oil), IV (sewage) and V (garbage) of MARPOL 73/78¹, and cargo-associated waste as defined in the Guidelines for the implementation of Annex V to MARPOL 73/78;
2. “*Hazardous waste*”: waste to be considered hazardous waste in accordance with the Waste Regulations section 11.2;
3. “*Cargo residues*”: The remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed, including loading/unloading excesses and spillage;
4. “*Ship*”: A seagoing vessel of any type operating in the marine environment, including hydrofoil boats, air-cushion vehicles, submersibles and floating devices;
5. “*Recreational craft*”: Any floating device designed for and capable of moving on water, and used for non-commercial purposes;
6. “*Port*”: A place or a geographical area made up of such improvement works and equipment as to permit the reception of ships, including fishing vessels and pleasure craft;
7. “*Norwegian port*”: A port under Norwegian jurisdiction, including at Svalbard and Jan Mayen.
8. “*European Economic Area*”: In these Regulations, a reference to the European Economic Area shall also be a reference to Svalbard and Jan Mayen.
9. “*Port operator*”: The person operating the port. If there are no persons operating the port, the owner of the port is considered to be the port operator.
10. “*Reception facilities*”: Any facility suitable for receiving ship-generated waste or cargo residues. This shall include fixed facilities as well as floating and mobile units.
11. “*Ship in regular scheduled service*”: A ship carrying passengers or cargo between designated destinations or on designated distances, according to a fixed schedule.

Amended by Regulations of 29 June 2007 No. 820 (in force on 1 July 2007), 3 October 2013 No. 1201, 15 January 2018 No. 55.

¹ The International Convention for the Prevention of Pollution from Ships, as amended.

Section 20-4

Responsibility

The company, master and others working on board shall perform their duties pursuant to the Ship Safety and Security Act and the additional provisions pursuant to these Regulations. The port operator is responsible for the compliance with the provisions of this chapter, as outlined in each section.

Amended by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

II Port reception facilities

Section 20-5

Establishment and operation of reception facilities

The port operator shall, based on the need for delivery, ensure the establishment and operation of port reception facilities for ship-generated waste and cargo residues. Such reception facilities shall be adequate to meet the normal needs for delivery in the port, without causing undue delay to ships.

Reception of waste and cargo residues considered to be hazardous waste shall be subject to the provisions of Annex III to this Chapter.

Amended by Regulation of 15 January 2018 No. 55.

Section 20-6

Waste reception and handling plans, and reporting

The port operator is required to prepare a waste management plan in consultation with the parties concerned, including in particular port users or their representatives. For ports mainly receiving waste from recreational craft, the Municipality shall, in consultation with the port operator and the parties concerned, prepare a common waste management plan. Port operators who do not provide the Municipalities with the necessary information, are responsible for preparing their own waste management plans.

Municipalities and port operators may prepare waste management plans together, provided that the need for and availability of reception facilities are specified.

The waste management plan shall be prepared in accordance with Annex I to this chapter and applicable waste management provisions. The waste management plan shall be approved by the County Governor. Existing ports shall submit the waste management plan to the County Governor no later than 1 July 2014. When new ports are established, approved waste management plans shall be available before the ports are being used.

The waste management plan shall be evaluated and submitted to the County Governor for new approval at least every third year and when the operation of the port has undergone significant changes. The approval is valid for three years from the date the County Governor approved the plan. When a new approval is required, a draft waste plan shall be submitted to the County Governor no later than three months before the waste management plan expires.

The Municipality shall make a list of all the ports in the municipality, which shall be submitted to the County Governor by 1 January 2014. The list shall be updated and resubmitted to the County Governor when significant changes are made.

Amended by Regulation of 3 October 2013 No. 1201.

III Notification and delivery of waste and cargo residues

Section 20-7

Compulsory notification

The masters of all ships bound for a port located in the European Economic Area, with the exception of ships in regular scheduled service, fishing vessels and recreational craft authorised approved for no more than 12 persons, shall give notification of delivery of waste and cargo residues in the port:

- a) at least 24 hours prior to arrival, if the port of call is known, or
- b) as soon as the port of call is known, if this information becomes available less than 24 hours prior to arrival, or
- c) at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.

Notification shall be given via the information system SafeSeaNet Norway in accordance with the provisions of Annex II to this Chapter, and the information shall be available on board at least until the next port of call and shall upon request be made available to the Norwegian Maritime Authority. Ships having frequent port calls within 24 hours, and ships calling at ports where no port dues are charged, shall notify the port in which waste is to be delivered. If the ship's next port of call is located outside the Nordic countries, the completed notification form shall be in English.

Amended by Regulation of 25 October 2016 No. 1252.

Section 20-8

The port's obligation to notify the Norwegian Maritime Authority

The port operator is obliged to immediately notify the Norwegian Maritime Authority via the information system SafeSeaNet Norway when it is discovered that a ship does not deliver waste in accordance with the notification pursuant to section 20-7.

Repealed on 1 July 2012 by Regulation of 4 June 2012 No. 489. Added by Regulation of 29 January 2014 No. 77 (in force on 1 April 2014), amended by Regulation of 25 October 2016 No. 1252.

IV Financing of port reception facilities

Section 20-9

Fees for ship-generated waste

The costs associated with reception of ship-generated waste, including the treatment and disposal of the waste, shall be covered through the collection of a fee from the ships calling at the port. This fee shall be collected irrespective of whether ship-generated waste is delivered to the reception facility.

A fee for cargo residues may not be collected unless cargo residues are actually delivered.

The fee shall be differentiated in accordance with the availability of reception facilities. The amount of the fee shall be determined by the port operator and shall not exceed the costs associated with the reception facilities for the individual vessel categories using the port.

The fee may be collected by the port operator on a per-call basis, or in the form of an annual fee, a seasonal fee or similar arrangement.

Recreational craft authorised to carry no more than 12 persons and fishing vessels shall not be required to pay a fee when calling at a port unless they are also required to pay a tax for port call or other moorage charges. Where no fee is paid for port call, payment may be required for delivery of waste.

A surcharge may be imposed in cases referred to in section 20-10 last paragraph.

Amended by Regulation of 15 January 2018 No. 55.

Section 20-10

Calculation of the fee

The fee for oily waste and other hazardous waste shall be calculated on the basis of the ship's gross tonnage or the ship's external dimensions, in a manner equivalent to that applying to the ordinary taxes for port call, and the number of days having elapsed since the previous port of delivery.

The fee for cargo residues shall be calculated on the basis of the type and quantity of residues delivered.

The fee for sewage delivery shall be calculated on the basis of the number of persons which the ship is authorised to carry, or the number of crew members, and the number of days having elapsed since the previous port of delivery.

The fee for garbage shall be calculated on the basis of the number of persons which the ship is authorised to carry, or the number of crew members, and the number of days having elapsed since the previous port of delivery.

The fee to be paid by ships in regular scheduled service and other ships having frequent port calls can be calculated separately, on the basis of e.g. the quantities of waste expected to be delivered by the ship in the port.

A surcharge may be imposed on ships which fail to comply with the compulsory notification referred to in section 20-7, if the delivery involves extra costs to the port. A surcharge may also be imposed on ships delivering exceptionally large quantities of waste, in relation to the ship's size, type and sailing time. The surcharge shall be stipulated as a percentage.

Amended by Regulation of 15 January 2015 No. 55.

Section 20-11

Reductions in or waiver of fees

The fee shall be reduced if the ship's environmental management system, design, equipment or operation is such as to make a substantial contribution to:

- a) reducing the quantity of waste delivered by the ship to the reception facilities; or
- b) reducing the costs of treating or disposing of the ship's waste ashore (e.g. through sorting for recycling of materials). The amount of the reduction of the fee shall be decided by the port operator.

Fees may be waived if:

- a) waste from the ship is delivered regularly in another port; or
- b) a waiver is justified by special considerations.

V Final provisions

Section 20-12

Supervision

The Norwegian Maritime Authority shall supervise ships' compliance with their duties under this Chapter, and may for that purpose issue orders to the shipmaster. The County Governor shall supervise ports' compliance with their duties under this Chapter, with the exception of the obligation under section 20-8, and may for that purpose issue orders to port operators.

Amended by Regulation of 29 January 2014 No. 77 (in force on 1 April 2014).

Section 20-13

Exemptions

The Norwegian Maritime Authority or the County Governor may, upon application, grant exemptions from the requirements of this Chapter. Such exemptions shall be justified by special considerations and must also be justifiable in terms of environmental protection and safety. Exemptions may be granted only when they do not contravene an international agreement which Norway has acceded to.

Section 20-14

Entry into force

This chapter shall enter into force for foreign ships at Svalbard and Jan Mayen from the date decided by the King.
Added by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

Annex I

Requirements for waste reception and handling plans in ports

Plans shall cover all types of ship-generated waste and cargo residues originating from ships normally visiting the port and shall be developed according to the size of the port and the types of ships calling at that port.

The following elements shall be addressed in the plans:

- an assessment of the need for port reception facilities, in the light of the need of the ships normally visiting the port,
- a description of the type and capacity of port reception facilities,
- a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues,
- a description of the charging system,
- procedures for reporting alleged inadequacies of port reception facilities,
- procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties, and
- type and quantities of ship-generated waste and cargo residues received and handled.

In addition, the plans should include:

- a summary of legislation currently in force and formalities for delivery,
- identification of a person or persons to be responsible for the implementation of the plan,
- a description of the pre-treatment equipment and processes in the port, if any,
- a description of methods of recording actual use of the port reception facilities,
- a description of methods of recording amounts of ship-generated waste and cargo residues received, and
- a description of how the ship-generated waste and cargo residues are disposed of.

The procedures for reception, collection, storage, treatment and disposal should conform in all respects to an environmental management scheme suitable for the progressive reduction of the environmental impact of these activities. Such conformity is presumed if the procedures are in compliance with annex XX, para. 2 f, of the EEA Agreement (Council Regulation (EEC) No 1836/93 of 29 June 1993 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme (EMAS)).

Information to be made available to all port users:

- brief reference to fundamental importance of proper delivery of ship-generated waste and cargo residues,
- location of port reception facilities applicable to each berth with diagram/map,
- list of ship-generated waste and cargo residues normally dealt with,
- list of contact points, the operators and the services offered,
- description of procedures for delivery,
- description of charging system, and
- procedures for reporting alleged inadequacies of port reception facilities.

Annex II

INFORMATION TO BE NOTIFIED BEFORE ENTRY INTO THE PORT OF

(port of destination as referred to in section 20-7)

1. Ship's name, call sign and, where appropriate, IMO identification number:
2. Flag state:
3. Estimated time of arrival (ETA):
4. Estimated time of departure (ETD):
5. Previous port of call:
6. Next port of call:
7. Last port and date when ship-generated waste was delivered, including the quantities (in m³) and the types of waste that were delivered:
8. Are you delivering:

all some none (tick appropriate box)
of your waste into port reception facilities?
9. Type and amount of waste and residues to be delivered and/or retained on board, and percentage of maximum storage capacity:

If delivering all waste, complete second column as appropriate.

If delivering some or no waste, complete all columns.

<i>Type</i>	<i>Waste to be delivered (m³)</i>	<i>Maximum dedicated storage capacity (m³)</i>	<i>Amount of waste retained on board (m³)</i>	<i>Port at which remaining waste will be delivered</i>	<i>Estimated amount of waste to be generated between notification and next port of call (m³)</i>	<i>Amount of waste delivered at last port, cf. point 7 above (m³)</i>
<i>1. Waste oils</i>						
Sludge						
Bilge water						
Others (specify)						
<i>2. Garbage</i>						
Food wastes						
Plastics						
Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)						
Cooking oil						
Incinerator ashes						
Operational wastes						
Animal carcass(es)						
<i>3. Sewage¹</i>						
<i>4. Cargo residues² (specify)³</i>						

¹ Sewage may be discharged at sea in accordance with regulation 11 of Annex IV to MARPOL 73/78. If the intention is to make an authorised discharge at sea, the fields on sewage shall not be completed.

² May be estimates.

³ Cargo residues shall be specified and categorised according to the relevant Annexes to MARPOL, in particular Annexes I, II and V.

Notes:

1. This information may be used for port state control and other inspection purposes.
2. This form is to be completed unless the ship is covered by an exemption in accordance with section 20-7.

I confirm that

the above details are accurate and correct, and
there is sufficient dedicated on-board capacity to store all waste generated between notification and the next port at which waste will be delivered.

Date

Time

Signature

Annex III

Standardised requirements for reception of hazardous waste from ships and recreational craft

1. *Purpose*

The purpose of these standardised requirements for reception of hazardous waste from ships is to ensure environmentally sound operation of such facilities. The port operator is responsible for ensuring compliance with the requirements.
2. *Description of port reception facilities for hazardous waste from ships and recreational craft*
 - 2.1. *Reception facilities for hazardous waste from ships*

Waste will be delivered and stored in the port area. Waste can also be collected directly by an authorised company pursuant to the Waste Regulations sections 11-6 and 11-7 without interim storage in the port area.
 - 2.2. *Reception facilities for hazardous waste from recreational craft*

Waste will be delivered and stored at the reception facility/facilities that will be centrally located in the port area. Only hazardous waste from recreational craft will be received. Craft owners deposit waste in the reception facility themselves.
3. *Categories of hazardous waste*

A reception facility for hazardous waste from ships established in accordance with these Regulations and falling under the exemption clause of Chapter 11 section 11-7 (d) of the Regulations of 1 June 2004 No. 930 concerning the recycling and treatment of waste (Waste Regulations) is permitted to receive the categories of hazardous waste defined in section 11-2 of the Regulations concerning the recycling and treatment of waste.
4. *Other categories of waste*

These standardised requirements do not include reception of waste in the following ADR¹ classes: explosive substances (class 1) and radioactive materials (class 7) or substances having similar properties. The appropriate administrative authorities for such substances and materials are the Norwegian Directorate for Civil Protection (DSB) and the Norwegian Radiation and Nuclear Safety Authority.
5. *Responsibility*

The exemption of Chapter 11 section 11-7 paragraph d of the Regulations of 1 June 2004 No. 930 concerning the recycling and treatment of waste applies to the port operator, who must ensure that the reception facility and its operation as a minimum satisfy the standardised requirements.
6. *Precautionary measures against pollution – general requirements*
 - 6.1. *Competence*

Operators of reception facilities for hazardous waste and personnel handling hazardous waste are required to possess the necessary knowledge and competence in order to ensure proper handling of the waste.
Personnel handling hazardous waste must upon request present written documentation verifying that they have the adequate expertise to handle the waste. This also applies to professional parties transporting hazardous waste, unless such transport is carried out by the company which has generated the waste.
 - 6.2. *Preventive action*

The port operator is required to take the necessary action to prevent pollution. Hazardous waste stored pending delivery/collection prior to treatment or other disposal shall be secured so that the hazardous waste does not cause effluent into the ground, sewage system or other recipient. Any spillage shall also be capable of being collected.
 - 6.3. *Waste handling*

The handling of hazardous waste shall be such that no pollution occurs. Hazardous waste shall not be mixed with other waste. Collected spillage and/or water contaminated with hazardous waste shall be handled as hazardous waste.
 - 6.4. *Preparedness*

The port operator shall ensure that the necessary preparedness to prevent, detect or terminate acute pollution is in place. Such obligatory preparedness includes the equipment to remove or limit the effect of pollution and the extent of the damage and inconvenience that may occur. Sufficient storage capacity and means of absorption and other necessary equipment, including personal protective equipment, shall be available at all times in order to be able to respond to hazardous waste spillage and leaks. Preparedness shall be reasonably proportionate to the probability of acute pollution and the extent of damage and inconvenience that may occur. Certain quantities of flammable goods require prior permission from the Norwegian Directorate for Civil Protection (DSB).
 - 6.5. *Notification*

Acute pollution or risk of acute pollution shall be notified in accordance with the Regulations concerning notification of acute pollution or risk of acute pollution.

7. *Reception facilities requirements*

7.1. *Reception facilities for hazardous waste from ships*

The ports shall be staffed when receiving hazardous waste from ships. The hazardous waste shall be secured to prevent access by unauthorised persons. The port operator is required to accept all categories of hazardous waste as mentioned in paragraph 3. At least once per week, the operator of the facility shall assess the need for collection and transportation to an approved storage or treatment facility.

The location of the facility in the port area shall take into account the inconvenience to neighbours and the risk of pollution in particularly vulnerable areas.

7.2. *Reception facilities for hazardous waste from recreational craft*

The reception facility may be unstaffed, but must be secured in order to prevent access by unauthorised persons. Information about the categories of hazardous waste that may be deposited at the facility shall be displayed. The facility is under no obligation to accept all categories of hazardous waste.

The reception facility shall have sufficient capacity. The port operator or the operator of the facility shall implement measures to prevent waste from being left outside the facility. At least once a week, the operator of the reception scheme shall assess the need for collection.

The location of the facility shall take into account the inconvenience to neighbours and the risk of pollution in particularly vulnerable areas.

7.3. *Storage of hazardous waste in the port area*

The reception facility may have a total storage capacity of maximum 50 tonnes. Hazardous waste may be stored for up to 6 months prior to onward transportation. Hazardous waste shall be stored as described above in paragraph 6 Precautionary measures against pollution. The storage facility shall be such as to permit appropriate inspection and handling. Hazardous waste shall be stored so that it can be easily moved, e.g. on pallets. Substances which, under the ADR¹ rules, cannot be loaded together shall be stored in segregated areas.

The location of the facility shall take into account the inconvenience to neighbours and the risk of pollution in particularly vulnerable areas.

8. *Declaration*

Hazardous waste from ships, including recreational craft, shall be declared by the port operator when the waste is delivered to an approved reception facility for hazardous waste. Ships delivering hazardous waste must provide adequate information about the origin, content and properties of the waste in order for the port operator to comply with the duty to declare in accordance with section 11-12 of the Waste Regulations and to make sure further handling of the waste can take place in a proper manner.

All declaration shall be made on a declaration form approved by the Norwegian Environment Agency. If a delivery consists of several categories of waste, at least one declaration shall be made for every category of waste.

9. *Records and reporting*

The port operator shall keep records of information about receiving, storing and onward transportation of hazardous waste. The records shall be available for at least three years.

The County Governor may order the port operator to send copies or summaries of all records to pollution control authorities or other public agencies.

Amended by Regulations of 21 June 2010 No. 1073, 15 March 2013 No. 284 (in force on 1 July 2013), 19 December 2013 No. 1757 (in force on 1 January 2014), 15 January 2018 No. 2018, 20 December 2018 No. 2092 (in force on 1 January 2019).

¹ ADR: European Agreement concerning the International Carriage of Dangerous Goods by Road.

Chapter 21

Ban on incineration at sea

Laid down under the Act of 9 June 1903 No. 7 relating to the public control of the seaworthiness of ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 31 and 33, cf. Formal Delegation of 16 February 2007 No. 171 and Act of 26 June 1998 No. 47 relating to recreational and small craft sections 20 and 38, cf. Formal Delegation of 27 November 1998 No. 1095 and Formal Delegation / Royal Decree according to chapter 5. Also laid down under the Act of 13 March 1981 No. 6 relating to protection against pollution and relating to waste (Pollution Control Act) section 9 first paragraph.

Legal basis amended by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

Section 21-1

Definitions

For the purposes of this Chapter:

- a) *ship* means any seagoing vessel irrespective of whether the vessel has propulsion machinery of its own. This does not cover offshore units;

- b) *offshore unit* means an installation or other facility used in the petroleum activity, irrespective of whether the construction is fixed or mobile. An offshore unit also includes pipelines and cables used in the petroleum activity;
- c) *incineration* means any thermal destruction of waste or other material with the intention of disposing of such materials. Incineration does not include incineration connected with or following from normal operation of ships, offshore units or their equipment, except where the waste or material has been removed from the source of the waste to be disposed of elsewhere.

Section 21-2

Ban on incineration

The incineration of waste or other material on board ships and offshore units is banned in Norway. Within the remit of international law, this also applies to incineration in the Norwegian Economic Zone and on the Norwegian Continental Shelf.

The ban includes incineration on board Norwegian ships in all waters.

Chapter 22

Dredging and dumping at sea and in waterways

Laid down under the Act of 9 June 1903 No. 7 relating to the public control of the seaworthiness of ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 31, 33 and 47, cf. Formal Delegation of 16 February 2007 No. 171 and Act of 26 June 1998 No. 47 relating to recreational and small craft sections 20 and 38, cf. Formal Delegation of 27 November 1998 No. 1095 and Formal Delegation / Royal Decree according to chapter 5. Also laid down under the Act of 13 March 1981 No. 6 relating to protection against pollution and relating to waste (Pollution Control Act) section 9 first and third paragraphs and section 11.

Legal basis amended by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

Section 22-1

Scope of application

The provisions of this Chapter apply to any dredging activity from ships. The provisions furthermore apply to any dumping activity and placement of material from ships, offshore units and aircraft, including the dumping and placement of ships. This Chapter does not apply to the dumping of offshore units.

The provisions of this Chapter applies to the sea areas and waterways of Norway. Within the remit of international law, this also applies to the Norwegian Economic Zone and the Norwegian Continental Shelf. This Chapter applies to dumping activities from Norwegian ships in all waters.

Section 22-2

Definitions

For the purposes of this Chapter:

- a) *ship* means any seagoing vessel irrespective of whether the vessel has propulsion machinery of its own. This does not cover offshore units;
- b) *offshore unit* means an installation or other facility used in the petroleum activity, irrespective of whether the construction is fixed or mobile. The term offshore unit also includes pipelines and cables used in the petroleum activity;
- c) *aircraft* means any aircraft, irrespective of whether it has propulsion machinery of its own;
- d) *dredging* means any intentional transfer of bottom mass, including dredge pumping, the displacement or the removal of bottom sediment. The term dredging does not include the whirling up of sediment following from normal activities at sea or in waterways, including normal ship traffic;
- e) *dumping* means any intentional disposal of waste or other material at sea or in waterways for the purpose of disposing of such material, including the sinking of ammunition and the sinking and leaving behind of ships. The term dumping does not include the disposal of waste or other material connected with or following from normal operation of ships, offshore units or fisheries and aquaculture, except where the waste or material has been removed from the source of the waste to be disposed of elsewhere;
- f) *placement of material* means any intentional disposal of material at sea or in waterways for other purposes than the original purpose the material was built or constructed for, and which is not considered to be dumping.

Section 22-3

Ban on dredging

Dredging is banned, except where permission is given pursuant to section 22-6.

Section 22-4

Ban on dumping

Dumping is banned. However, permission may be given pursuant to section 22-6 to the dumping of:

- a) masses of mud, uncompacted fills and stone;
- b) ships with metal hulls until 31 December 1998;
- c) other ships until 31 December 2004;
- d) fish offals from the processing of fish on land;
- e) other kinds of waste/material in very special circumstances where land disposal entails an unacceptable hazard or damage.

Section 22-5

Placement of material

The placement of material at sea or in waterways for other purposes than the original purpose the material was built or constructed for is banned, except where permission is given pursuant to section 22-6.

Section 22-6

Permission to dredging, dumping or placement of material

The County Governor may give permission to dredging and dumping as mentioned in section 22-4 paragraphs a) to d), at sea or in waterways in Norway. The Norwegian Environment Agency or whoever is authorised by the Ministry may give permission to dumping as mentioned in section 22-4 paragraph e), at sea or in waterways in Norway, to the placement of material as mentioned in section 22-5 and to dredging and dumping in the Norwegian Economic Zone.

An application for a permission to dredging, dumping or the placement of material shall contain the information necessary to evaluate whether a permission should be given and which conditions should be imposed, including information on the waste/material to be dumped/placed and on the bottom conditions at the location of dredging/dumping.

The decision of the application shall give emphasis to the inconvenience of the pollution caused by the measure compared to the advantages and inconvenience the measure otherwise will entail.

Amended by Regulations of 21 June 2010 No. 1073, 15 March 2013 No. 284 (in force on 1 July 2013).

Section 22-7

Report

If the authority that gave the permission does not decide otherwise, a report shall be submitted to that authority within 6 weeks following the completion of the dredging or dumping operation or the placement of material.

Section 22-8

Exemption to the ban on dumping

The ban on dumping does not apply in cases of *force majeure* for reasons of weather strain or other causes, when human lives are in danger or the safety of ships, aircraft or offshore units is threatened. Such dumping shall immediately be reported to the Norwegian Environment Agency.

Amended by Regulations of 21 June 2010 No. 1073, 15 March 2013 No. 284 (in force on 1 July 2013).

Section 22-9

Supervision

The County Governor, the Norwegian Environment Agency or whoever is authorised by the Ministry of Climate and Environment, cf. section 22-6, shall supervise the implementation of the provisions of this Chapter or decisions made pursuant to these provisions.

Amended by Regulations of 21 June 2010 No. 1073, 15 March 2013 No. 284 (in force on 1 July 2013), 19 December 2013 No. 1757 (in force on 1 January 2014).

Chapter 23

Prevention of the discharge of sewage from ships

Laid down under the Act of 9 June 1903 No. 7 relating to the public control of the seaworthiness of ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 13, 31, 32, 33 and 43, cf. Formal Delegation of 16 February 2007 No. 171 and Act of 26 June 1998 No. 47 relating to recreational and small craft sections 20 and 38, cf. Formal Delegation of 27 November 1998 No. 1095 and Formal Delegation / Royal Decree according to chapter 5. Also laid under the Act of 13 March 1981 No. 6 relating to protection against pollution and relating to waste (Pollution Control Act) section 9.¹

Legal basis amended by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

¹ The Chapter has been notified to the ESA (EFTA Surveillance Authority) pursuant to Directive 98/34/EC.

I Introductory provisions

Section 23-1

Purpose

The purpose of this Chapter is to prevent the discharge of sewage and grey water that contribute to problems of an environmental, hygienic and aesthetical nature into waterways and sea areas.

Section 23-2

Stricter or easier requirements through regulation

Municipalities may lay down other requirements for the discharge of sewage and grey water than the requirements provided for in the Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units. This shall be restricted to ships which are not certified for international voyages and which either have a gross tonnage of 400 or above, or which are certified to carry more than 15 persons.

Stricter requirements shall be considered in relation to, inter alia, the availability of satisfactory reception facilities for sewage.

A thorough assessment of the environmental consequences shall be made before easier requirements are adopted.

The individual Municipality shall, as a matter of course in the preparation of regulations pursuant to this provision, contact other Municipalities with a view to co-operate on common solutions for more extensive areas for discharge into waterways or near-coastal waters within a distance of 300 metres from the mainland and islands.

Amended by Regulation of 4 June 2012 No. 489 (in force on 1 July 2012, formerly section 23-6).

Sections 23-3 to 23-5

(Repealed on 1 July 2012 by Regulation of 4 June 2012 No. 489).

III Equipment and discharge control

Sections 23-7 to 23-13

(Repealed on 1 July 2012 by Regulation of 4 June 2012 No. 489).

Section 23-14

Entry into force

This chapter shall enter into force for foreign ships at Svalbard and Jan Mayen from the date decided by the King.

Added by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

Part 11 Common provisions

Provisions on:

- supervision, appeals, penalty, etc. are laid down in Chapter 41;
- entry into force and the authority to make subsequent amendments are laid down in Chapter 42.

Chapter 41 Supervision, appeals, penalty, etc.

Section 41-1

The correspondence between general and special provisions

The provisions of this Chapter shall apply unless otherwise specially provided for in the other Chapters of these Regulations.

Section 41-2

Duty to provide information

The rules on the duty to provide information in section 49 of the Pollution Control Act and section 5 of the Product Control Act apply correspondingly, to the extent necessary to control and ensure the compliance with the provisions of these Regulations. The Norwegian Environment Agency, the Norwegian Radiation and Nuclear Safety Authority, the County Governor and the Municipality may order the duty to provide information within their jurisdictions pursuant to these Regulations.

Amended by Regulations of 21 June 2010 No. 1073, 1 November 2010 No. 1394 (in force on 1 January 2011), 15 March 2013 No. 284 (in force on 1 July 2013), 20 December 2018 No. 2092 (in force on 1 January 2019).

Section 41-3

Supervision

The Norwegian Environment Agency, the Norwegian Radiation and Nuclear Safety Authority or whoever is authorised by the Ministry of Climate and Environment shall supervise the compliance with the provisions of these Regulations and decisions made pursuant to these Regulations within their respective fields of authority. The Norwegian Maritime Authority supervises the provisions of Chapters 20 and 23.

Amended by Regulations of 29 June 2007 No. 820 (in force on 1 July 2007), 21 June 2010 No. 1073, 1 November 2010 No. 1394 (in force on 1 January 2011), 15 March 2013 No. 284 (in force on 1 July 2013), 19 December 2013 No. 1757 (in force on 1 January 2014), 20 December 2018 No. 2092 (in force on 1 January 2019).

Section 41-4

Exemptions

The Norwegian Environment Agency, the Norwegian Radiation and Nuclear Safety Authority or whoever is authorised by the Ministry of Climate and Environment may grant exemptions from these Regulations within their respective fields of authority.

Amended by Regulations of 21 June 2010 No. 1073, 1 November 2010 No. 1394 (in force on 1 January 2011), 15 March 2013 No. 284 (in force on 1 July 2013), 19 December 2013 No. 1757 (in force on 1 January 2014), 20 December 2018 No. 2092 (in force on 1 January 2019).

Section 41-5

Appeals

Decisions made by the Municipality pursuant to the provisions of these Regulations may be appealed to the County Governor.

Decisions made by the County Governor pursuant to the provisions of these Regulations may be appealed to the Norwegian Environment Agency.

Decisions made by the Norwegian Environment Agency pursuant to the provisions of these Regulations may be appealed to the Ministry of Climate and Environment.

Decisions made by the Norwegian Radiation Protection Authority pursuant to the provisions of these Regulations and within the field of authority of the Norwegian Radiation and Nuclear Safety Authority may be appealed to the Ministry of Climate and Environment.

Decisions made by the Norwegian Maritime Authority pursuant to these Regulations may be appealed to the Ministry of Climate and Environment.

Decisions made by the Norwegian Coastal Administration pursuant to these Regulations may be appealed to the Ministry of the Fisheries and Coastal Affairs.

The decisions of the administrative appeal body in an appeal case cannot be appealed, except pursuant to section 28 third paragraph of the Public Administration Act.

Amended by Regulations of 5 February 2009 No. 186, 21 June 2010 No. 1073, 15 March 2013 No. 284 (in force on 1 July 2013), 19 December 2013 No. 1757 (in force on 1 January 2014), 20 December 2018 No. 2092 (in force on 1 January 2019).

Section 41-6

Coercive fine

To ensure the implementation of the provisions of these Regulations or decisions pursuant to these Regulations, the Norwegian Environment Agency, the Norwegian Radiation and Nuclear Safety Authority, the County Governor and the Municipality may make decisions on coercive fines pursuant to section 73 of the Pollution Control Act or section 13 of the Product Control Act within their fields of authority in accordance with these Regulations.

Amended by Regulations of 29 June 2007 No. 820 (in force on 1 July 2007), 21 June 2010 No. 1073, 1 November 2010 No. 1394 (in force on 1 January 2011), 15 March 2013 No. 284 (in force on 1 July 2013), 20 December 2018 No. 2092 (in force on 1 January 2019).

Section 41-7

Penalty

A violation of these Regulations or decisions made pursuant to these Regulations is punishable pursuant to Chapter 10 of the Pollution Control Act or section 12 of the Product Control Act, unless a more severe penalty is applicable under another statutory provision.

Amended by Regulation of 29 June 2007 No. 820 (in force on 1 July 2007).

Section 41-8

Delegation of authority

In addition to the stipulations laid down in the provisions of these Regulations, the competent authority shall be the agency or party that, pursuant to prior delegation of authority by the Ministry of Climate and Environment or the Norwegian Environment Agency, has been granted authority in the areas that fall under the scope of these Regulations. The Norwegian Radiation and Nuclear Safety Authority has been granted authority for matters pertaining to radioactive pollution and radioactive waste, cf. sections 4 and 5 of the Regulations of 1 November 2010 No. 1394 on the application of the Pollution Control Act to radioactive pollution and radioactive waste.

Amended by Regulation of 21 June 2010 No. 1073, 1 November 2010 No. 1394 (in force on 1 January 2011), 15 March 2013 No. 284 (in force on 1 July 2013), 19 December 2013 No. 1757 (in force on 1 January 2014), 20 December 2018 No. 2092 (in force on 1 January 2019).

Chapter 42

Entry into force

Section 42-1

Entry into force

These Regulations enter into force on 1 July 2004, unless otherwise provided for by special provisions of each individual Chapter. As of the same date, the following regulations are repealed:

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