



# Product Control Act

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

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

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

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

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

*This translation is based on the norwegian version of 19. may 2006. Later amendments are not translated.*

### Section 1. Purpose of the Act

The purpose of this Act is to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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