



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

NORWAY

There was some difficulty obtaining Norwegian case law. There may simply be no reported cases since the jurisdiction is small and the obligation of waste producers seems to be fairly well established.

The basic law is the Act of 13 March 1981 No.6 Concerning Protection Against Pollution and Concerning Waste. Article 2(5) provides the same general language as EU Directives: *“The costs of preventing or limiting pollution and waste problems shall be met by the person responsible for the pollution or waste.”*

Norway has generally embraced EU legislation on waste, including the various Extended Producer Responsibility schemes. A lengthy dissertation on [Case C-188/07 Commune de Mesquer v Total France SA](#) case by the European Court of Justice concluded that Norwegian law generally followed the reasoning, but had not been applied to “product producers” where the product subsequently became waste. That aspect of the ECJ decision was reversed by the Waste Framework Directive, Article 14(2). See [Samspillet mellom kostnadsreguleringen i direktiv 2008/98/EC \(avfallsdirektivet\) og ansvarskanaliseringen i sjøl.§ 193.](#)

A Norwegian agency publication in 2013 discusses possible change in the law including increased waste producer responsibility. We are following up on any amendments and will update this document as appropriate.

Note: Nothing in the waste law transposed into national law supersedes, replaces or negates potential liability under the Environmental Liability Directive or the Industrial Emissions Directive (IPPC). Both of which have been applied to waste producers.

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