

Proposed Regulation on the Prohibition of the Use of Fossil Fuels for Indirect Combustion in the Industry from 2030

§ 1 Purpose

The purpose of this regulation is to reduce greenhouse gas emissions from the use of fossil fuels and liquid biofuels in industry, while safeguarding energy supply security.

§ 2 Definitions

For the purposes of this regulation, the following definitions apply:

- a) Industry: All commercial activities falling under the industry codes 05, 07, 08, 09.9, 10–33, and 35.3.
- b) Indirect combustion: Combustion where the energy from the fuel, in the form of heat, steam, mechanical power, or electricity, is used in industrial processes involving heating, drying, or other treatment of objects or materials, without the flame or gases being in direct contact with these.
- c) Fossil fuels: Fuels of fossil origin that, when combusted, result in emissions of greenhouse gases.
- d) Liquid biofuels: Liquid fuels produced from biomass for energy purposes other than transport.

Combustion where the fuel is used directly in the process for heating, drying, or other direct treatment of objects or materials, without the use of a heat transfer medium, is not considered indirect combustion.

Biogas is not considered a liquid biofuel.

§ 3 Prohibition on the Use of Fuels for Indirect Combustion in Industry

From 1 January 2030, it is prohibited to use fossil fuels for indirect combustion in industries not covered by § 1-3 of the Emissions Trading Regulation.

From 1 January 2030, it is prohibited to use liquid biofuels for indirect combustion in industries not covered by § 1-3 of the Emissions Trading Regulation, unless they meet land-use criteria and emission reduction requirements equivalent to those set out in §§ 3-6 to 3-9 of the Product Regulation.

The following use of fossil fuels and liquid biofuels in industry are exempt from the prohibitions in the first and second paragraphs:

- a) Combustion of waste gas from industrial processes
- b) Combustion required for start-up and shutdown
- c) Required auxiliary combustion in facilities covered by Chapter 10 of the Waste Regulation
- d) Combustion of own movable property and substances that, pursuant to § 27 of the Pollution Control Act, are considered waste
- e) Combustion of residual or waste gas after refining or processing, with or without hydrogen
- f) Mobile machinery, equipment, and required use of fossil fuels in emergency power generators

§ 4 Exceptions in Case of Power Supply Interruptions and Failure of Other Energy Carriers

The prohibitions in § 3 do not apply in the event of a power supply interruption, until the supply is restored.

The prohibitions in § 3 do not apply in the event of faults or damage that impede the use of other energy carriers in industrial processes. In this case, the use of fossil fuels shall be limited to the time required to repair such faults or damage without undue delay.

§ 5 Exceptions by Decision of the Pollution Control Authority

The Pollution Control Authority may, upon application, grant a time-limited exemption from the prohibitions in § 3 if an enterprise cannot comply with the prohibitions due to it being operationally unfeasible to connect increased electricity consumption to the power grid by 1 January 2030. The enterprise must provide documentation from the grid operator confirming that connection cannot be made within the deadline.

The Pollution Control Authority may also grant exemptions from the prohibitions in § 3 if necessary to safeguard national security interests or in other exceptional cases.

§ 6 Authority under the Regulation

The County Governor is the pollution control authority under this regulation for enterprises for which the County Governor has been delegated authority pursuant to § 11 of the Pollution Control Act, and for enterprises without a specific permit under the Pollution Control Act.

The Norwegian Environment Agency is the pollution control authority under this regulation for enterprises to which it has granted a permit pursuant to § 11 of the Pollution Control Act.

The Ministry of Climate and Environment may designate a different authority than those specified in this paragraph.

§ 7 Administrative Fines

The pollution control authority may impose an administrative fine on the party responsible for violating § 3, pursuant to § 80 of the Pollution Control Act.

The provisions in Chapter 41A of the Pollution Regulations apply to the imposition of administrative fines.

§ 8 Entry into Force

This regulation enters into force on 1 January 2029, except for § 7, which enters into force on 1 January 2030.