

Additional information for clarification with regards to Questions & Answers in the preparatory document which sets out the issues discussed in the trilateral meeting which took place in Brussels on 12 June 2014 between the EFTA Surveillance Authority, the EU Commission and Norway.

Norway has identified action points 3,12,23, 24,37,38,39 and 43 to be responded to with additional information.

ACTION 3: NO to check if fish has been used to validate typology. NO to use both Macrophytes and Phytobenthos, under the BQE "Other Aquatic Flora" for Lakes (and only discard BQE where there is evidence that it is not relevant for the WB type).

Response: Typology for water bodies in rivers and lakes in Norway is based on physicochemical and morphological factors. Alkalinity or calcium-content and humic content (TOC) are the physicochemical factors which together with lake-size, lake-depth, size of the watershed and elevation above sea-level, define the river and lake types in Norway. In classification of water plants, phytoplankton and macroinvertebrates Norway has defined type-specific reference values and class-boundaries. The distribution of fish-species in Norway is in large decided by the immigration history after the last ice age. Western Norway has few freshwater fish species while the regions on the eastern side of the central mountain range have a higher number of fish species in freshwater and a fish fauna comparable to the neighbouring countries to the east and south. Chemical and physical factors therefore are not a good presupposition for the composition of fish fauna in Norwegian water bodies. A consequence of this is that Norway will use site-specific reference conditions for fish in lakes and rivers.

ACTION 12: NO to provide which substances are not monitored because they are not considered relevant and provide the documentation supporting this assessment.

Response: Selection of substances for monitoring are based on several factors including results from screening programs, regulation of substances in Norwegian legislation and available monitoring data obtained through other environmental surveys in relation to measures (clean-up of polluted sediment) or discharge control monitoring. Evaluation of relevance of priority substances for Norwegian monitoring program is described in the report "[A study of the priority substances of the Water Framework Directive - Monitoring and need for screening](#)".

ACTION 23: NO will provide the methodology and the results for hydropower screening that serve for defining significant adverse effects in the water use.

Response: *The main aim of the national screening of 187 regulated catchments, which includes 395 hydropower licenses, was to group catchments/sub catchments into priority categories. The focus was on the potential for environmental restoration by minimum flow, restrictions on reservoir operation and/or run-of river operations as appropriate measures. Environmental flow for achieving desired environmental benefits was roughly estimated based on the default values of Q95 summer/winter. A value-impact score was defined for all catchments for each of the main environmental topics; 1) fish/fishing, 2) other freshwater related biodiversity and 3) landscape/recreation. The work was published in a national report in October 2013, with factsheets which describe and categorize each of the 187 units. The complete screening report in Norwegian can be downloaded at the following link:*

http://webby.nve.no/publikasjoner/rapport/2013/rapport2013_49.pdf

The national screening is not an instruction, but a starting point for setting priorities in the region. The screening report and the national guidance constitute an overall national cost-benefit analysis and will ensure a common interpretation of the term “significant adverse effect”.

The methodology and the results of the national screening can be provided in English in more detail if requested.

ACTION 24: NO will provide the new criteria for HMWB designation.

Response: *The new national guideline (01:2014) on Heavily Modified Water Bodies covers designation, setting of environmental objectives, and use of exceptions. The criteria for HMWB designation are given in chapter 3. The document is based on the Water Framework Directive and the Norwegian Water Regulation, as well as relevant CIS-guidance and workshop conclusions adapted to the Norwegian context. The guidance document will help water managers in designating HMWBs, the setting of environmental objectives and deciding on realistic restoration measures. The document will also improve harmonization of the WFD implementation concerning HMWBs across the 11 River Basin Districts in Norway. For Water Bodies modified for hydropower production, application of the guidance must be seen in connection with the results of the national hydropower screening.*

The complete guidance document in Norwegian can be downloaded at the following link: http://www.vannportalen.no/01_2014_SMVF-veileder_2_K4jE9.pdf

A presentation (flow sheet in pdf) from the guidance document in English with regards to the definition of environmental objectives is enclosed.

More information on the national guidance can be provided in English if needed.

ACTION 37: Conduct a gap analysis in nutrient pollution in all areas where diffuse pollution from agriculture is relevant. Ensure measures are put in place to allow reduction in sectors pollution (agriculture, aquaculture) and to allow good status objectives to be met. Any development that increases pollution has to be sustainable in the long term and consider the capacity of the ecosystem compatible with good status.

Response: *In our previous reply, we referred to the work being conducted at the local and regional level where source apportionment for diffuse nutrient pollution (gap analysis) are being carried out, using modelling tools. Such tools, calculating diffuse pollution from agriculture, have been used in several river basin management plans in areas where nutrient runoff from agriculture is considered a major influence on the aquatic environment.*

The gap analysis work will be continued at the local and regional level in order to further target necessary measures in areas where agricultural runoff is defined as one of the major negative influences on the water body.

61. *How has article 11.4 been translated into controls on farming and aquaculture production - especially controls on phosphate/organic pollution?*

- COM: there was a mistake in the question - it should refer to basic measures art 11.3.
- COM wants to understand what mandatory/control measures have been introduced.

ACTION 38: Additional new questions to be replied to in writing.

a) Please detail how article 11.3.h requirements which require controls on diffuse sources of pollution (phosphate, organic pollution etc) have been transposed into NO law and implemented on the ground for both the agriculture and aquaculture sector.

b) Please explain to what effect these measures/controls are sufficient to address diffuse sources of pollution and any changes that will be implemented for the second cycle ?

c) What additional measures (eg agri-environment type measures for farmers) are necessary and will be implemented in the second RBMP?

Response:

Agriculture: Basic measures in accordance to art 11.3 (h):

In accordance with the Norwegian regulation on production payment there is a set of agro-environmental cross-compliance conditions. If the agricultural practice is in breach with these conditions the authorities are able to withdraw all or a portion of these payments, depending on the severity of the mis-conduct.

Conditions specifically related to phosphate/organic pollution are listed below. The current requirement of environmental plans on all farms is to be removed from the regulation. This is to be effectuated in 2015. The environmental requirements, previously embedded in such plans, will be worked into the general regulation text.

- A vegetation zone of at least two metres should be established on agricultural land bordering watercourses with year-long flow of water and channels without year-long flow of water. No tillage should be conducted in these vegetation zones .*
 - If the agricultural land is situated in areas with erosion risk or in river basin areas containing vulnerable watercourses/coastal areas, regional authorities can establish specific regulations regarding tillage routines or other related measures. This is, by example, practised in Østfold and Akershus, two counties with large areas of marine clay soils and high erosion risks.*
 - Fertilizing plans and management plans for pesticide use.*
- Furthermore, environmentally friendly storage and use of manure is regulated through the regulation of organic fertilizers.*

Aquaculture:

a) Aquaculture practitioners are required to get a permit in accordance with the pollution act from the County Governor, who is the designated competent authority. When granting a permit, the County Governor assesses whether the new or expanded aquaculture site would lead to deterioration of the status of the water body.

During operation, the environmental surveys are conducted in accordance with aquaculture act, and national standards have been established for these surveys. The sea bottom is surveyed according to (Norwegian Standard 9410, MOM-C). This survey maps i.a. the levels of chemicals and nutrients in the sediments and the level of oxygen. The amount of nutrients and chemicals discharged from the site is limited by the limits set in the permit on

the biomass fish that can be grown in cage sites. These provisions take care of the implementation of article 11.3.h. b and c)

The mandatory environmental surveys will reveal the impact from diffuse discharges. This is a safer way of keeping track of the environmental tolerance than trying to measure the exact level of diffuse material. Measures will be required immediately to re-establish adequate conditions if pollution is beyond acceptable levels.

As regards impacts from pollution, regional surveys in the most dense aquaculture areas have shown no significant effect on regional levels. Surveillance is adequate, but further needs for measures will be considered together with a strategy for environmental and sustainable growth in the aquaculture production.

64. Are agricultural subsidies being "greened" in NO to encourage the uptake of measures necessary to allow WFD good status to be met?

ACTION 39: NO to send additional replies in writing: How will agri environment actions (eg through REP scheme) necessary to secure improvements to reach good status be secured? Will this be done either through targeting or mandatory requirements in certain areas to improve uptake of necessary measures? What level of funding is needed to secure good status (in addition to basic measures) and will this be provided in the POM?

Response: *Only 3% of Norwegian terrestrial area is covered by agricultural land. The most intensive production areas (i.e grain and animal husbandry) are located to three specific regions. In these regions, agricultural production is one of the most important impact factor on water quality and source of diffuse runoff of nutrients and organic matter to the aquatic environment.*

The agricultural authorities use both mandatory and voluntary measures in order to meet and maintain the goals set for our aquatic environment. Funding and continuation of these schemes are determined through yearly negotiations between the agricultural sector and the authorities.

The Norwegian Agricultural Agency currently works with an exposition, where one of the aims is to point out how the REP scheme to a greater extent can be targeted towards reducing diffuse pollution, particularly in the aforementioned areas. The scheme is based on voluntary commitment from the farmers, whereby they are compensated for increased work load/reduced crop. In 2013 about (53%) of all payments were directed towards measures to reduce runoff to fresh water and coastal areas.

In 2015 the first RBMP to cover all regions in Norway are to be effectuated. Measures defined and funded through REP are listed in the programmes of measures as important factors in order to reach or maintain good ecological status.

ACTION 43: Ecological flow (e-flow) means a flow compatible with good ecological status both in quantity and regime. E-flows should be reported transparently at water body level. Fish may not be the only biological quality element to consider. Any significant deviation from the e-flow to achieve GES needs to be justified on the basis of fulfilment of the conditions for exemptions.

Response: Norway has a system for reporting on environmental and minimum flows mandated through license requirements at hydropower plants. These have largely been individually set according to the specific conditions at the site.

The action point defines ecological flow as "a flow compatible with good ecological status both in quantity and regime," and requires reporting of this at each water body.

As far as Norway can see, this seems inspired by the working definition in the draft guidance document on E-flows.

Although the guidance document has a qualitative working definition of ecological flow, the guidance does not provide a firm quantitative definition.

In the absence of a quantitative definition, Norway questions the need to separately report on such flows, which are strongly linked to the characterisation of the water bodies. Following the definition, any water body with good ecological status would in all instances have an ecological flow. To additionally report on the E-flow would not add any information.

The reporting requirement suggested in Action point 43 would, as far as Norway can see, be based on the Directive's Article 8.1:

" Member States shall ensure the establishment of programmes for the monitoring of water status in order to establish a coherent and comprehensive overview of water status within each river basin district: (...) –for surface waters such programmes shall cover: (...) (i) the volume and level or rate of flow to the extent relevant for ecological and chemical status and ecological potential (...)"

Norway's position is that environmental and minimum flows are being reported. Further, Norway questions the added benefit of a separate reporting on ecological flows.