



ROYAL NORWEGIAN MINISTRY OF
CLIMATE AND ENVIRONMENT

State Secretary

Your ref

Our ref

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Norway's feedback to the Call for Evidence on the targeted revision of the Water Framework Directive (WFD)

Aligning the WFD with EU Competitiveness and the Green Transition

We refer to the European Commission's Call for Evidence on the targeted revision of the WFD and hereby submit Norway's feedback. The views set out in this submission have been coordinated between the Ministry of Climate and Environment and the Ministry of Trade, Industry and Fisheries.

Norway appreciates the Commission's efforts to address challenges faced by critical raw materials (CRM) projects under the WFD. We support the aim of promoting circularity and access to CRMs in the EU, while protecting the environment and human health.

Norway also recommends further assessment of the WFD amendments, and that the revision should have a broader scope than one limited to CRM-related issues. We fully support the ambition of the WFD and related directives, without seeking to reduce their effectiveness. We strongly believe in maintaining an ambitious water policy, while also acknowledging the importance of industrial development and competitiveness.

The agreement reached on the proposed revisions to the WFD in September 2025 partly acknowledges these challenges. Nevertheless, both necessary and desirable projects are likely to continue facing difficulties in complying with WFD requirements.

In this context, we consider that further clarification and adjustments are needed to ensure that the Directive remains effective, coherent, and supportive of the EU's broader policy objectives.

Key Challenges of WFD Requirements

Under Article 4(1)(a), Member States are required to refuse authorization for projects that may cause deterioration in the status of a surface water body or jeopardize the achievement of good status, unless the conditions for exemptions are fulfilled.

However, Article 4(7) does not meaningfully cover deterioration in ecological status resulting from other impacts than new modifications to the physical characteristics. The provision only addresses limited deterioration in ecological status – from “high status” to “good status” – when it comes to new sustainable human development activities. The provision also excludes deterioration of chemical status.

We acknowledge and support the strong commitment to pollution reduction reflected in Article 4(7). At the same time, experience across Member States suggests that the limited scope of this exemption may prevent the realization of projects important for the EU’s competitiveness.

While recent amendments represent a step in the right direction, they do not fully address these structural limitations. Further targeted adjustments therefore appear necessary to ensure the framework remains fit for purpose in the context of the Competitiveness Compass.

Addressing Limitations for Green Transition Projects

Norway is at the forefront of carbon capture and storage (CCS), which is expected to become one of the most important climate mitigation measures going forward. CCS projects can significantly reduce CO₂ emissions and air pollution, including emissions of substances such as lead and mercury.

At the same time, capture and cleaning processes may result in minor residual discharges to water. Although these emissions are significantly lower than emissions to air prior to CCS deployment, they may still trigger deterioration in water status under the WFD. Even though this has not yet materialized as a concrete barrier in Norway, there is a risk that such projects could be rejected under the WFD despite delivering substantial overall environmental benefits. This issue remains unaddressed despite the recent amendments to the WFD.

This highlights a broader challenge: the current framework does not sufficiently accommodate trade-offs between environmental compartments, such as air, soil, water, and potentially hindering projects that are essential for achieving overall environmental and climate objectives. From a policy coherence perspective, this may result in suboptimal environmental outcomes at system level.

We therefore encourage the consideration of adjustments to Article 4(7) that would allow such trade-offs to be assessed more holistically, while maintaining a high level of water protection.

Harmonizing EU Regulations with WFD Objectives

Norway would also like to highlight potential inconsistencies between the WFD and other EU legislative frameworks, such as Regulation (EU) 2024/1252 (Critical Raw Materials Act – CRMA) and Regulation (EU) 2024/1735 (Net-Zero Industry Act – NZIA).

Both frameworks establish that Strategic Projects (Article 10(2) CRMA and Article 15(3) NZIA) may be considered of “overriding public interest”, including for the purposes of Article 4(7) of the WFD, provided that the relevant conditions are fulfilled. We understand these provisions as an effort to reconcile these frameworks with the objectives under the WFD. However, in practice, the limited scope of Article 4(7) – particularly its insufficient coverage of pollution-related deterioration – means that such projects may still be prevented under the WFD.

As a result, there is a risk of inconsistency that may undermine the effective implementation of other EU legislative frameworks, such as the CRMA and NZIA. This may create legal uncertainty and reduce the predictability of permitting processes for strategically important projects.

A court case is currently ongoing in Norway regarding the validity of permits for extraction and processing of rutile and garnet from the Engebø mountain. One of the questions in the case concerns the interpretation of Directive 2000/60/EC Article 4(7)(c), on reasons of overriding public interest. The EFTA Court issued an advisory opinion in Case E-13/24 on March 5th, 2025. We would particularly draw attention to paragraph 47 of the opinion. It is unclear whether this statement introduces any substantive requirements related to mineral supply considerations, which could mean that even projects that would otherwise qualify as strategic projects under the CRMA might still not be approved under the WFD.

We therefore suggest further clarification and amendment of Article 4(7) to ensure better alignment and to enable the realization of projects important for the EU’s competitiveness and the green transition.

Implications for Industrial Location

The limited scope of Article 4(7) with respect to pollution may lead to unintended consequences for industrial siting. Under this provision, deterioration caused by emissions is only permissible where ecological status declines from high to good.

The Directive effectively establishes an absolute limit, prohibiting projects that may degrade a water body below good status due to pollution. In practice, this may imply that new industrial activity involving emissions must be located in water bodies with high ecological status. While the recent amendment in Article 4(7b), subparagraph (c), appears to address this issue by recognising that additional pressures may be more appropriately accommodated in already impacted water bodies, the problem remains for activities not covered by the exemption in Article 4(7b). Consequently, the Directive may inadvertently encourage industrial development in previously untouched natural areas rather than in areas

already impacted by industry. While Norway supports the ambition that all water bodies should achieve good status, including those affected by industrial activity, this approach may have unfortunate effects. We therefore believe the WFD should open for more flexible assessments in these cases to ensure the overall best outcomes.

Furthermore, the limitations of Article 4(7) are reinforced by the definition of “deterioration of status” as interpreted in the case law of the Court of Justice of the European Union and according to the new Article 2(c), point 43. Under this interpretation, deterioration occurs as soon as the status of at least one quality element falls by one class, and any further deterioration within the lowest class is also considered deterioration. In practice, this establishes stricter constraints for water bodies in bad status. As a result, even projects with minimal impacts – which would not lead to a quality element falling by one class – may nevertheless be prohibited under the WFD. This further reinforces the risk that new industrial activities are steered away from already impacted areas. While this approach may be more workable for ecological status, which is assessed across five classes, it remains problematic in practice and is even less suitable for priority substances, which are classified into only two categories.

Norway reiterates our support for an ambitious WFD while recognizing the importance of aligning the development of necessary and desirable projects with the Directive. The limited applicability of exemptions risks excluding projects that provide substantial overall environmental and societal benefits. We therefore encourage further adjustments to Article 4(7) and related provisions to ensure better alignment with industrial development in suitable locations, to safeguard EU competitiveness, and to allow for a holistic assessment of environmental trade-offs. Norway emphasizes that Member States should have increased discretion in case-by-case assessments under the Directive, enabling a balanced consideration of other legitimate societal interests in addition to environmental objectives. Greater flexibility is necessary to ensure that decisions on new industrial development can reflect broader strategic priorities, including security of supply, employment, and regional development.

Yours sincerely

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