

Case handler: Gabrielle Somers
Tel: (+32)(0)2 286 1876
gas@eftasurv.int

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EFTA SURVEILLANCE
AUTHORITY

Ministry of Climate and Environment
Postboks 8013 Dep,
0030 Oslo
Norway

Dear Sir/ Madam,

Subject: Implementation of Directive 2000/60 in Norway

On 30 June 2017, the EFTA Surveillance Authority (“the Authority”) received a complaint alleging failures by the Norwegian Government to comply with the obligations incumbent upon it under *Directive 2000/60 establishing a framework for Community action in the field of water policy* (“Water Framework Directive”).

In particular, the complainants express concerns regarding the systems that are in place for the revision of hydropower licences and the target years for achieving environmental objectives for water bodies affected by hydropower production. In addition, the complainants allege that it will not be possible for the relevant authorities in Norway to review and update the river basin management plans every six years, as is required by Article 13(7) of the Water Framework Directive.

The Authority notes that a number of these issues were discussed during the package meeting that took place in Oslo in October 2016, and that, since then, the river basin management plans have been finalised.

In order for the Authority to examine and assess the above-mentioned complaint, the Norwegian Government is invited to provide the following information:

1. According to the Authority’s understanding, the river basin management plans set out a systematic series of staggered target dates for the achievement of the environmental objectives for water bodies affected by hydropower production as set out in Article 4(1) of the Water Framework Directive. The Authority would like to receive an updated overview of the number of water bodies which fall under each target as set out in these plans.
2. The Authority notes that a system of staggered target dates that extends beyond the time limit set out in Article 4(1) of the Water Framework Directive must be justified under Article 4(4) of that Directive. The Norwegian Government is invited to explain the grounds of exemption it has relied upon to extend these target dates.
3. The Authority recalls the provisions of Article 13 of the Water Framework Directive, which require that the river basin management plans be revised and updated every six years, with a view to maintaining or achieving good ecological potential in the water bodies concerned. Please provide an overview of the

provisions which are in place to ensure this requirement will be met for both licensed and unlicensed hydropower water bodies in Norway.

4. The complaints allege that the setting of environmental objectives, which was carried out at the regional level for the individual water bodies and was then adjusted at a national level on the basis of a nationally agreed acceptable power loss of 1.1 -1.7 TWh, compromises the aims of the Water Framework Directive. The Norwegian Government is invited to explain in what way a binding national assessment on acceptable power loss sits alongside individually assessing good ecological potential for each water body, to ensure that the objectives of the Water Framework Directive are met.

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by 20 October 2017.

Yours faithfully,



Gunnar Thor Petursson
Director
Internal Market Affairs Directorate