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Subject: Norway has failed the WFD and water bodies

Water Framework Directive 2000/60/EC (WFD) is based first and foremost on a one-way clause, namely **"reduction", "cessation", "phasing out", "avoiding deterioration"**.

2. Principle of "polluter pays".

3. Principle of source control.

4. Principle that no surface water should have a state of summer is inferior to "good".

Government measures and/or permits can only result in improved water quality, and not aggravate it with the one exception as entitled in WFD 4 no 6. Article 1 sets out the scope of action of the national state when it is to take decisions affecting water treatment and quality nationally. The WFD - when adopted nationally - sets the line in that all degradation and aggravation that have been found up to and including 2000 should gradually cease. This means that measures that are initiated hereafter and which directly or indirectly infuse the coastal water shall only improve the aquatic environment. Emissions in progress shall cease or be phased out. Work, conditions or measures that aggravate the aquatic environment should not be able to continue, much less be initiated.

According to the WFD, it is forbidden to take measures that cause a water resource to deteriorate from good to poor water quality. This is often referred to as the prohibition of deterioration. Exceptions to the prohibition on deterioration require the intervention to be of "overriding public interest". When the directive was implemented in the Norwegian Water Regulations, this provision was translated as "public benefit". This may have resulted in the state having too low a threshold to authorise the deterioration of water quality. The Norwegian government has interpreted the WFD in such a way that exceptions can be made based on an ordinary cost-benefit value assessment. This is a socio-economic method for comparing the consequences of public measures. Basic questions are asked as an introduction to this complaint and concern report:

What does it take to allow a good water resource to be destroyed.

The prohibition against the deterioration of water resources in the WFD is important.
The threshold for making exceptions to the ban is high.
Authorisation cannot be granted simply because the project is profitable.
Purely economic considerations cannot constitute "overriding public interest".

Concerns and complaints have been submitted to Norwegian authorities and ESA over a 10-year period. Individuals and a number of organisations are behind this work. The cases that ESA is now shedding light on have been raised previously and have been sent to ESA. I have highlighted the common denominator of administrative follow-up and technology. For its part, ESA rejects the complaints and points out that only individual cases can be pursued. I have taken ESA at its word and submitted evidence of a single case (heavy metals in crab meat), but this was also rejected? I ask ESA to once again read and familiarise themselves with previous concerns and complaints. Take note of the answers that ESA has given.

<https://www.vannportalen.no/organisering2/europeisk-vannsamrbeid/norge-og-esa-rapportering-klager-og-tilbakemeldinger/klagesaker-og-brev-til-esa-om-norges-gjennomforing-av-vanndirektivet/klagesaker-til-esa-om-vanndirektivet-og-oppdrett-2014/>

The Norwegian authorities and ESA have rejected previous complaints, despite the fact that the evidence is fact-based and overwhelming. It must be emphasised that the burden of proof lies with both Norway and ESA. A possible positive sign is that ESA has established Case 87599 and Case 86194. These cases are ongoing and the undersigned has contributed to the process. There is reason to hope for results. The interests of business earnings are often prioritised over the health of water bodies (e.g. overriding public interest). Are the Norwegian authorities and the ESA asking the same questions about lost income related to making a living from what nature provides? An example is the loss of income for river owners, indigenous peoples and traditional industries that have been passed down from generation to generation? What about the needs of future generations? And not least the health of the water bodies themselves.

The aquaculture industry, hydropower, agricultural runoff, sewage leakage and mining constitute a formidable combined load. In addition, there are roadworks, construction activities, land development and more. The X-factor of climate change doesn't make matters any better, as animal welfare in and around fish farms is exposed. Climate change won't be solved quickly, but technical solutions can quickly be put in place within the aquaculture industry. It is worth noting that British Columbia has decided to ban open fish farms. "On Wednesday evening, Canada's Department of Fisheries and Oceans Canada announced a ban on open-cage salmon farming in British Columbia from 30 June 2029" <https://e24.no/hav-og-sjoemat/i/6365M3/canada-forbyr-aapen-lakseoppdrett-paa-vestkysten-noedt-til-aa-skje-i-norge-ogsaa>

ESA must consider all influencers and take action on a broad front. Everything is interconnected, and the WFD is the most central directive here. For the aquaculture industry, individuals and organisations have repeatedly warned of the crisis that has now hit Norway with full effect. Norway's wild salmon stocks have now collapsed and we should not forget the corresponding effect on sea trout, arctic char and other species. The Norwegian Environment Agency has closed salmon fishing in 33 rivers and in the sea from the Swedish border in the south up to and including Trøndelag. The reason for this is that there are very few salmon this year – "We've

seen this trend for a long time”. The fish stock entering the rivers has only become smaller and smaller every year. The following rivers were closed to fishing in June 2024 due to insufficient inflow of salmon:

Glomma m. Aagardselva, Tovdalselva, Otra, Mandalselva, Lygna, Figgjo, Hjelmelandsåna, Nordelva (Åbøelva), Vikedalselva, Uskedalselva, Steinsdalselva, Oselva, Nærøydalselva, Sogndalselva, Daleelva, Gaula i Sunnfjorden, Nausta, Åelva og Ommedalselva, Gloppenelva, Strynseelva, Hjalma, Austefjordelva, Korsbrekkelva, Rauma, Eira, Surna, Orkla, Gaula, Nidelva, Stjørdalselva, Verdalselva, Steinkjerelva og Byaelva, Namsen.

<https://www.nettavisen.no/norsk-debatt/laksefiske-i-krise-viktige-elver-stengt-pa-ubestemt-tid/o/5-95-1893200>

The WFD purpose, direction and requirements are carried through the words PROTECT, PRESERVE, IMPROVE. It is undisputed that the WFD according to the EEA Agreement Article 7 litra b) is binding upon Norway. The control basis is the WFD and the undersigned has presented repeated evidence that Norway has not correctly transformed and implemented the WFD into the Norwegian Water Regulations. It started with Article 1 and over time it has been revealed that Articles 4(1), 4(4), 4(7), 11(3) and 11(5) do not reflect the wording of the WFD. The Norwegian Water Regulations deviate so much from the WFD that I propose that ESA requires Norway to implement the WFD in its entirety and translate it into Norwegian. With the correct wording, as neighbouring countries Sweden and Denmark have done. In previous complaints, the undersigned has pointed out the shortcomings in administrative follow-up and adjustment of the Norwegian water management plans (RBMPs) and the lack of technical implementation capacity with clear objectives.

The question now is whether it is already too late to correct the damage that the aquaculture industry has inflicted on water bodies since the early 1970s. ESA must act faster and more decisively towards the Norwegian authorities. Time is working against the water bodies. Norwegian water bodies and their ecology simply do not have time to wait for bureaucratic antics that involve years of case processing. The time has come for action. The writing is on the wall.

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