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Contribution from Norwegian Environment and Outdoor NGOs to the Call for Evidence on the Review and Revision of the Water Framework Directive

This input is submitted by:

- The Norwegian Biodiversity Network (Sabima)
- The Norwegian Outdoor Council (Norsk Friluftsliv)
- The Norwegian Association of Hunters and Anglers (NJFF)
- WWF Norway (WWF Verdens naturfond)
- The Norwegian Trekking Association (DNT)
- The Norwegian Society for the Conservation of Nature (Naturvernforbundet)
- Norwegian Salmon Rivers (Norske Lakseelver)

The undersigned organisations wish to contribute to the European Commission's call for evidence on the announced review and revision of the WFD, as Norway implements the Water Framework Directive (WFD) through the EEA Agreement and is directly affected by any weakening of its objectives.

Our overall position

Strong standards to protect the water environment are at least as important today as when the WFD was introduced. We strongly urge the Commission to demonstrate its commitment to Europe's water future by focusing on implementation, enforcement, and support, rather than reopening and risking the dilution of one of Europe's most important environmental laws.

We strongly urge the European Commission not to revise or weaken the WFD. The WFD is the backbone of European water policy and also an essential instrument for Europe's climate adaptation, biodiversity protection and long-term societal (including economic) resilience. At a time of increasingly frequent floods, droughts and ecosystem degradation, strong and stable water protection rules are more necessary than ever.

Underperformance of the WFD stems from insufficiencies with regards to the implementation, enforcement and funding, not from overly strict or inflexible rules. The Commission's own Fitness Check concluded that the Directive is fit for purpose and already contains substantial flexibility, including transitional periods, less stringent objectives and derogations. In particular, Article 4(7) already allows deterioration for projects that are of overriding public interest, provided strict conditions are met and impacts are fully mitigated. This framework is sufficient to address genuinely necessary projects, including access to critical raw materials, if applied correctly.

These are our main arguments against a revision of the WFD:

- **The WFD is essential for European water ecosystems and water resilience**

The WFD was introduced to secure sustainable use of European water, and was adopted because the extent of pollution, levels of habitat destruction and poor water quality prompted the need for a strong regulatory framework. Since the adoption of the WFD in 2000, the understanding of the importance of the water ecosystem, as well as of the ecological status of European water ecosystems, has increased and further underlines the need for the WFD. The European Commission's own Water Resilience Strategy explicitly recognises that water resilience depends on enhanced implementation of existing EU water legislation, with the WFD as its backbone. Announcing a revision of the WFD shortly after launching this Strategy is internally inconsistent and risks directly undermining its objectives.

The WFD is the primary legal instrument designed to address Europe's water challenges through ecosystem-based water management, regulated abstraction, pollution prevention, and public participation as a success factor.

- **The WFD is flexible enough to secure truly needed raw materials**

The WFD was declared "fit for purpose" in the European Commission's own 2019 Fitness Check. The WFD is not rigid, but offers several points of flexibility, in terms of transitional periods, exemptions, less stringent environmental objectives and derogations. Especially WFD Article 4(7) ought to secure the need to access critical raw materials – as the article specifically opens for deterioration due to an activity that is of overriding public interest. Article 4(7) is not meant to be a loophole allowing any short-term profitable mining activity, but intended for projects of overriding public interest or projects with such benefits to human health, the maintenance of human safety or sustainable development, that it outweighs achieving the objectives of the WFD. We trust Europe's access to needed critical raw materials is secured through Article 4(7), as long as the administrative and legal procedures adhere to the intentions of this article and the WFD.

In Norway, there is an ongoing court case that concerns the WFD Article 4 (7), where The Borgarting Court of Appeal requested support from the EFTA Court to interpret the legislation. The EFTA Court Judgement from 5 March 2025¹ confirmed precisely that "*certain considerations linked to (...) the contribution of a project to the security of supply, or the supply, of critical raw materials within the EEA, may be considered to constitute an overriding public interest within the meaning of Article 4(7) of Directive 2000/60, provided that all the other conditions set out therein have been fulfilled*" (page 15).

In our opinion, the EFTA Court Judgement provides concrete evidence that demonstrates that the provisions of the WFD does in fact **not** hinder the EU's strategic autonomy in critical raw materials.

We question the claimed need to revise the WFD and the validation of the arguments for a revision. We have not seen any evidence for the need of opening up for further flexibility, beyond the options that already exist in the WFD, in terms of transitional periods, exemptions, less stringent environmental objectives and derogations.

¹ EFTA Court judgement in case E-13/24, between Friends of the Earth Norway + Young Friends of the Earth Norway and The Norwegian Government; https://naturvernforbundet.no/content/uploads/sites/25/2025/03/2025-03-05_EFTA-domstolens-dom-engelsk.pdf

- **Sound water protection and consistent water regulation boosts competitiveness and the green transition**

Healthy freshwater ecosystems are not an obstacle to Europe's competitiveness or green transition; they are a precondition for it. The economic value of freshwater ecosystems in Europe has been estimated at over € 11 trillion, around 2.5 times Germany's GDP². Clean and sufficient water is essential for all economic sectors.

Studies repeatedly show that strong and predictable environmental regulation drives innovation, encourages investment in clean technologies, and increases long-term competitiveness. Conversely, regulatory backsliding creates uncertainty, discourages forward-looking investment, and penalises companies that have already invested in cleaner and more water-resilient practices.

Weakening the WFD to accelerate mining would undermine water resilience and contradict circular-economy objectives. Research shows that secondary raw materials and recycling generally have far lower water impacts than new mining, and stable, ambitious regulation is essential to steer investment towards these solutions. It is important that, as an absolute primary rule, the actual need for critical raw materials is covered by "urban mining" and circulation over mining of virgin materials. A green transition that degrades rivers, lakes and coastal waters is neither sustainable nor socially legitimate.

- **Europe's way to competitiveness is not through degradation of European nature beyond the existing flexibility of the WFD**

The initiative to revise the WFD, as part of the RESourceEU process, is claimed to address specific challenges regarding access to critical raw materials, in order to improve competitiveness and enable circularity. However, weakening the WFD to ease giving permissions for mining, will instead undermine true circular economy objectives. Progressive industrial projects need stable regulations. Research shows lower water impacts from secondary raw materials compared to new mining. Investments in secondary, circulated materials, will gain from the current WFD being upheld, which will feed circularity projects. But not if a weakened WFD undermines their economy by paving the way for new mining.

Mining for batteries and digital technologies is incompatible with sustainability if it relies on degrading waterbodies beyond the existing flexibility of the WFD. Sector-specific derogations for mining would breach with the Directive's carefully designed balance between water users and undermine the principle that water is a common good, not merely an input/recipient for industrial activity.

As one of the main arguments from RESourceEU, for a revision of the WFD, is "to address potential bottlenecks", a core question here is what is a bottleneck? Is it a bottleneck if a company does not get a permit, because the activity is not deemed to be of overriding public interest? Or if a company can only carry out an activity if they follow/fulfil specific environmental requirements?

A decision not to give a permit might be final, but in many cases it motivates the applicant to improve the plans, looking at investments in better technology, location, increased outputs etc. In such cases – is the first "no" then to be considered a bottleneck? Is it not needed, necessary

² <https://www.wwf.eu/?11990891/WWF-Report-Water-crisis-threatens-over-11-trillion-in-economic-value-food-security-and-sustainability-in-Europe>

feedback that inspired the company to improve its plan, making sure it makes use of the best available technology and up-to-date knowledge, and the smartest location, chosen to cause as little degradation as possible?

- **A green transition calls for stronger environmental regulations internationally**

A socially just and environmentally sustainable green transition requires that the shift to renewable energy does not come at the cost of accelerated ecological destruction from mining. While the demand for critical minerals is increasing, a "just transition" demands a circular economy approach, reducing the need for new mining through innovation, recycling, and responsible stewardship.

We acknowledge that the EU/EEA countries have "outsourced" much of its environmental impact on water ecosystems, through imports from countries and regions with weaker environmental regulations. Tackling the outsourced environmental impact will require stepping up international collaboration for stronger environmental regulations in the countries of origin behind our imported goods, where needed, also including support to anti-corruption and good governance in those countries.

- **A revision on weak grounds undermines the robustness of EU policymaking and risks being broadened to other sectors**

Revising the WFD in response to claimed unclarity, rather than demonstrated shortcomings, risks creating regulatory uncertainty and undermining trust in EU environmental policy. Granting the Critical Raw Materials sector exemptions from existing water quality standards would shift the costs of pollution to local authorities, wastewater operators and society at large. These costs include not only remediation, but long-term exposure to polluted water and damage to ecosystems and wildlife. Such policy instability also weakens predictability for industry itself. It may also trigger further demands for exemptions in other sectors.

We therefore call on the Commission to:

- Prioritise full implementation and enforcement of existing WFD obligations;
- Support authorities through funding, guidance and capacity-building rather than deregulation;
- Ensure coherence with the EU Water Resilience Strategy by strengthening, not diluting, water-protection and integrated water management objectives.

Delivering a nature-positive green transition requires consistent, ambitious water legislation that allows societies and industries to invest and innovate with confidence.

Best regards,

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