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Ministry of Climate and Environment
Postboks 8013 Dep
N-0030 Oslo
Norway

Dear Sir or Madam,

Subject: Letter of formal notice to Norway - Waste Targets

1 Introduction

On 11 October 2024, the Internal Market Affairs Directorate (“the Directorate”) of the EFTA Surveillance Authority (“the Authority”) published its first Early Warning Report in the field of waste.¹ In that report, the Directorate concluded that all EEA EFTA States were at risk of not meeting one or more of the 2025 waste targets laid down in the Waste Framework Directive,² the Packaging and Packaging Waste Directive,³ and the Landfill of Waste Directive.⁴

Given the considerable distance of some of the EEA EFTA States towards some of the 2025 targets revealed in the Early Warning Report, the Authority subsequently investigated whether the EEA EFTA States are meeting the following waste targets currently in force:

1. Under the Waste Framework Directive, to prepare for re-use or to recycle 50% of municipal waste by 2020;⁵
2. Under the Packaging and Packaging Waste Directive:
 - To recycle 55% of total packaging waste by 2008;⁶
 - To recycle 60% of glass packaging waste by 2008;⁷

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<https://www.eftasurv.int/cms/sites/default/files/documents/gopro/Early%20Warning%20Report.pdf>

² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3), which was incorporated into the EEA Agreement by Decision of the EEA Joint Committee (JCD) No 85/2011 of 1 July 2011 which entered into force on 1 November 2012, as amended by Directive (EU) 2018/851, which was incorporated into the EEA Agreement by JCD No 318/2021 of 29 October 2021 which entered into force on 1 August 2022.

³ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10), which was incorporated into the EEA Agreement by JCD No 67/1995 of 22 November 1995 which entered into force on 1 February 1997, as amended by Directive (EU) 2018/852, which was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 296/2021 of 29 October 2021 which entered into force on 30 October 2021.

⁴ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1), which was incorporated into the EEA Agreement by JCD No 56/2001 of 18 May 2001 which entered into force on 1 April 2002, as amended by Directive (EU) 2018/850, which was incorporated into the EEA Agreement by JCD No 84/2022 of 18 March 2022 which entered into force on 19 March 2022.

⁵ Article 11(2)(a).

⁶ Article 6(1)(d).

⁷ Article Art 6(1)(e)(i).

- To recycle 60% of paper and board packaging waste by 2008;⁸
 - To recycle 50% of metal packaging waste by 2008;⁹
 - To recycle 22,50% of plastic packaging waste back into plastics by 2008;¹⁰
 - To recycle 15% of wood packaging waste by 2008;¹¹
3. Under the Waste Electrical and Electronic Equipment (WEEE) Directive¹², to separately collect 65% of the average weight of EEE placed on the market in the three preceding years in the State concerned, or alternatively 85% of WEEE generated on the territory of that State, by 2019.¹³

The Authority has analysed the latest reporting submitted by Norway and notes that, whereas Norway should have increased, by 2020, the preparing for re-use and the recycling of municipal waste to a minimum of 50 % by weight, it reached only 41,7% in 2023. Moreover, whereas Norway should have collected, by 2019, 65% of the average weight of electrical and electronic equipment placed on the market in the three preceding years, it reached only 47,8% in 2023.

The Authority therefore concludes that:

- by not taking the necessary measures designed to achieve the target for **municipal waste**, Norway has failed to fulfil its obligations under Article 11(2)(a) of the Waste Framework Directive.
- by not achieving the minimum collection rate for **waste from electrical and electronic equipment**, Norway has failed to fulfil its obligations under Article 7(1), second subparagraph, of the Waste Electrical and Electronic Equipment Directive.

2 Waste Framework Directive

2.1 Relevant Provisions of the Waste Framework Directive (Directive 2008/98/EC)

Paragraph 2 of Article 11 of the Waste Framework Directive on 'Re-use and recycling' reads as follows:

"2. In order to comply with the objectives of this Directive, and move to a European circular economy with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

- (a) by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight;*
- (b) [...]"*

⁸ Article 6(1)(e)(ii).

⁹ Article 6(1)(e)(iii).

¹⁰ Article 6(1)(e)(iv).

¹¹ Article 6(1)(e)(v).

¹² Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (recast) (OJ L 197, 24.7.2012, p. 38), which was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 195/2015 (OJ L 8, 12.1.2017, p. 32 and EEA Supplement No 3, 12.1.2017, p. 27) which entered into force on 1 April 2019; as amended by Directive (EU) 2018/849, which was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 243/2022 (OJ L 106, 20.4.2023, p. 35 and EEA Supplement No 31, 20.4.2023, p. 32), and which entered into force as regards the EEA EFTA States on 24 September 2022. In line with the adaptation text in Annex XX to the EEA Agreement, Article 7 of this Directive does not apply to Liechtenstein.

¹³ Article 7(1), second subparagraph.

Article 37 of the Directive on 'Reporting', as adapted by Protocol 1 to the EEA Agreement, provides:

"1. Member States shall report the data concerning the implementation of points (a) to (e) of Article 11(2) and Article 11(3) for each calendar year to the [EFTA Surveillance Authority].

They shall report the data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 7 of this Article.

The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 7 of this Article.

[...]"

2.2 Commission Decision establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of the Waste Framework Directive (Commission Decision 2011/753/EU)

The format referred in Article 37, paragraph 1, second subparagraph of Directive 2008/98/EC is established by Commission Decision 2011/753/EU.¹⁴

2.3 Facts and procedure

In accordance with Article 37 of the Waste Framework Directive, States must submit the data concerning the implementation of points (a) to (e) of Article 11(2) and Article 11(3) of that Directive for each calendar year to the Authority. States must report such data within 18 months of the end of the reporting year for which the data are collected.

Norway reported the data for 2023 on 24 July 2025.¹⁵

According to that data, the preparing for reuse and recycling rate of municipal waste was 41,7% in that year.¹⁶

2.4 Legal analysis

Article 11(2)(a) of the Waste Framework Directive requires EEA States to take the necessary measures to increase, by 2020, the preparing for reuse and recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, to a minimum of overall 50% by weight.

According to the latest data submitted by Norway to the Authority, the preparing for reuse and recycling rate of municipal waste in Norway was 41,7% in 2023.

¹⁴ Commission Decision 2011/753/EU of 18 November 2011 establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council (OJ L 310, 25.11.2011, p. 11–16) which was incorporated into the EEA Agreement by JCD No 240/2014 (OJ L 230, 3.9.2015, p. 48 and EEA Supplement No 52, 3.9.2015, p. 46), which entered into force on 1 November 2014.

¹⁵ Document 1552518.

¹⁶ Data available on the Circabc website: <https://circabc.europa.eu/ui/group/b01d2930-990e-44fb-9121-a9a6b00a1283/library/e713ae44-8795-4d33-b885-3fe43d022c51>. For historic reporting, see also: Recycling rate of municipal waste (env_wasmun), see https://ec.europa.eu/eurostat/databrowser/view/cei_wm011/default/table?lang=en.

This information shows that Norway had not reached the minimum target provided for in Article 11(2)(a) of the Waste Framework Directive in 2023.

The Authority consequently takes the view that, by not taking the necessary measures designed to achieve the target set out in Article 11(2)(a) of the Waste Framework Directive, Norway has failed to fulfil its obligations under that provision.

3 Waste Electrical and Electronic Equipment Directive

3.1 Relevant Provisions of the Waste Electrical and Electronic Equipment Directive (Directive 2012/19/EU)

Article 7 of the Waste Electrical and Electronic Equipment Directive, entitled 'Collection rate', provides:

"1. Without prejudice to Article 5(1), each Member State shall ensure the implementation of the 'producer responsibility' principle and, on that basis, that a minimum collection rate is achieved annually. From 2016, the minimum collection rate shall be 45% calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in the Member State concerned, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years in that Member State. Member States shall ensure that the volume of WEEE collected evolves gradually during the period from 2016 to 2019, unless the collection rate laid down in the second subparagraph has already been achieved.

From 2019, the minimum collection rate to be achieved annually shall be 65% of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85% of WEEE generated on the territory of that Member State.

[...]"

Paragraphs 4 to 7 of Article 16, entitled 'Registration, information and reporting', as applicable in the EEA and as adapted by Protocol 1 to the EEA Agreement, read as follows:

"4. Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on separately collected WEEE exported, by weight.

[...]

6. Member States shall report the data concerning the implementation of paragraph 4 for each calendar year to the [EFTA Surveillance Authority].

They shall report the data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 9.

The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 9, and it shall cover the data for that reporting period.

7. The data reported by Member States in accordance with paragraph 6 shall be accompanied by a quality check report."

3.2 Commission Implementing Decision laying down rules for the calculation, verification and reporting of data and establishing data formats for the purposes of the Waste Electrical and Electronic Equipment Directive (“Commission Implementing Decision (EU) 2019/2193”)

The format for reporting data referred in Article 16, paragraph 6, last paragraph of the Waste Electrical and Electronic Equipment Directive is established by Commission Implementing Decision (EU) 2019/2193.¹⁷

3.3 Facts and procedure

In accordance with Article 16(6) and (7) of the Waste Electrical and Electronic Equipment Directive, States are to report the data concerning the implementation of Article 16(4), for each calendar year to the Authority. They are to report the data electronically within 18 months of the end of the reporting year for which the data are collected.

Norway reported the data for 2023 on 1 July 2025.¹⁸

According to that data, the collection rate in Norway attained 47,8% in that year.¹⁹

3.4 Legal assessment

The recast of the Waste Electrical and Electronic Equipment Directive²⁰ introduced a gradual increase in the collection targets, taking effect from reference years 2016 and 2019, respectively. From 2016 onwards, the annual collection target for WEEE is defined as the ratio between the amount of WEEE collected in the reference year and the average weight of electrical and electronic equipment (EEE) placed on the market in the three preceding years. The recast of the Waste Electrical and Electronic Equipment Directive has applied in the EEA since 1 April 2019.

According to Article 7(1), second subparagraph of the Waste Electrical and Electronic Equipment Directive, from 2019, the minimum collection rate to be achieved annually is to be 65% of the average weight of EEE placed on the market in the three preceding years in the State concerned, or alternatively 85% of WEEE generated on the territory of that State.

Therefore, it is the responsibility of each State to choose between the available methods for reporting on attainment of the relevant target for the collection of WEEE: either based

¹⁷ Commission Implementing Decision (EU) 2019/2193 of 17 December 2019 laying down rules for the calculation, verification and reporting of data and establishing data formats for the purposes of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (OJ L 330, 20.12.2019, p. 72–85), which was incorporated into the EEA Agreement by JCD No 352/2022 (OJ L 164, 29.6.2023, p. 104 and EEA supplement No 48, 29.6.2023, p. 101) which entered into force on 10 December 2022.

¹⁸ Document No 1547209.

¹⁹ Norway reported a total of 110,811.247 tonnes of collected waste arising from EEE in 2023. The three-year average has been calculated by dividing the weight of WEEE “collected” in 2023 (110,811.247 tonnes) by the average weight of “products put on the market” for years 2020-2022 (222.735 tonnes in 2020; 237,275 tonnes in 2021 and 235,685 tonnes in 2022; which gives a three-year average of 231,898 tonnes).

The three-year average has been calculated based on the data extracted on 14 April 2025 from Eurostat; dataset: Waste electrical and electronic equipment (WEEE) by waste management operations open scope, 6 product categories (from 2018 onwards) [env_waselees], see https://ec.europa.eu/eurostat/databrowser/view/env_waselees_custom_19261686/default/table.

²⁰ Directive 2012/19/EU recast an earlier Directive on the same topic (Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment, which was incorporated into the EEA Agreement by JCD No 82/2004 which entered into force on 1 February 2006).

on the average weight of EEE placed on the market in the three preceding years within the State or the amount of WEEE generated within the territory of that State.

Norway reported its collection rate based on the average weight of EEE placed on the market in the three preceding years in Norway.

According to the latest data reported, Norway achieved a collection rate of 47,8% for 2023. This information shows that Norway has not reached its 65% collection target.

The Authority consequently takes the view that, by not achieving the minimum collection rate for waste from electrical and electronic equipment, Norway has failed to fulfil its obligations under Article 7(1), second subparagraph, of the Waste Electrical and Electronic Equipment Directive.

4 Conclusion

Accordingly, as its information presently stands, the Authority must conclude that:

- by not taking the necessary measures designed to achieve the target rate of 50% by weight of reuse and recycling of municipal waste, Norway has failed to fulfil its obligations under Article 11(2)(a) of the Waste Framework Directive.
- by not ensuring the minimum collection rate of waste from electrical and electronic equipment, Norway has failed to fulfil its obligations under Article 7(1), second subparagraph, of the Waste Electrical and Electronic Equipment Directive.

In these circumstances, and acting under Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the Authority requests that the Norwegian Government submits its observations on the content of this letter *within two months* of its receipt.

After the time limit has expired, the Authority will consider, in the light of any observations received from the Norwegian Government, whether to deliver a reasoned opinion in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

For the EFTA Surveillance Authority,

For Arne Røksund
President

Árni Páll Árnason
Responsible College Member

Nuscha Wieczorek
College Member

For Melpo-Menie Joséphidès
Countersigning as Director,
Legal and Executive Affairs

This document has been electronically authenticated by Arni Pall Arnason, Sigrun Ingibjorg Gisladdottir.