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

Dear Sir/Madam,

**Subject: Request for Information concerning the implementation and application of Article 4(7) of the Water Framework Directive (2000/60/EC)**

Reference is made to the letter of formal notice of 23 April 2026 concerning the incorrect and incomplete implementation and application of Article 4(7) of the Water Framework Directive (Document No 1566880), and the Norwegian Government's reply of 9 June 2026 (Document No 1612092).

In its reply, the Norwegian Government referred to the *Førdefjord* case pending before the Supreme Court and indicated that it would await clarification by the Supreme Court before considering further steps in the matter.

On 17 June 2026, the Supreme Court handed down its judgment in that case.<sup>1</sup> In its judgment, the Supreme Court concluded that, with regards to the permits involving the disposal of mining waste into Førdefjord, the condition in Article 4(7)(c) of the Water Framework Directive had not been satisfied. Accordingly, the Supreme Court held that the permits are invalid.

Following the Supreme Court judgment, the Norwegian State Attorney was reported in the media as stating that "*This does not entail that the disposal immediately stops. The company may continue with the operation subject to the strict environmental requirements applicable*".<sup>2</sup> Similarly, the Minister of Climate and Environment was quoted as stating that "*It is true that these permits are held invalid, but it does not automatically follow that the project must therefore stop*".<sup>3</sup>

In light of the above, the Authority invites the Norwegian Government to provide the following information:

1. Following the Supreme Court judgment, is the operator continuing its activities, including the disposal of mining waste into Førdefjord?
2. Under Norwegian law, is the operator legally authorised to continue its activities, including the disposal of mining waste into Førdefjord?

<sup>1</sup> HR-2026-1360-A, (case no. 25-164215SIV-HRET), available at

<https://www.domstol.no/globalassets/upload/hret/avgjorelser/2026/juni/hr-2026-1360.pdf>.

<sup>2</sup> See eg. [https://www.nrk.no/vestland/historisk-dom-i-hogsterett\\_-staten-tapte-i-fordefjorden-saka-1.17925435](https://www.nrk.no/vestland/historisk-dom-i-hogsterett_-staten-tapte-i-fordefjorden-saka-1.17925435), <https://www.nationen.no/fordefjorden-saken-miljobevegelsen-vant-i-hoyesterett-tillatelse-til-gruvedumping-er-ugyldig/s/5-148-925898?key=2026-06-18T07:33:11.000Z/retriever/05acb148c927180a5784aafce2cfc5fb1c42a07>.

<sup>3</sup> [https://www.nrk.no/vestland/historisk-dom-i-hogsterett\\_-staten-tapte-i-fordefjorden-saka-1.17925435](https://www.nrk.no/vestland/historisk-dom-i-hogsterett_-staten-tapte-i-fordefjorden-saka-1.17925435)

- a. If the answer is in the negative, what sanctions apply to such continued disposal?
  - b. If the answer is in the affirmative, please clarify whether, in the Norwegian Government's view, permits that have been declared invalid by the Supreme Court still provide a legal authorisation for continued operation, provisionally or otherwise. If not, please explain the legal basis for the continued operation.
3. Please explain what actions, if any, the Norwegian Government intends to take as regards the disposal of mining waste in Repparfjord.
  4. Please explain whether the Norwegian Government intends to amend Section 12 of the Norwegian Water Regulation.

Please provide timelines for any follow-up action in relation to the above questions.

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 *3 July 2026*.

Yours faithfully,

Marco Uccelli  
Deputy Director  
Internal Market Affairs Directorate

*This document has been electronically authenticated by Marco Uccelli.*