



Naturvernforbundet
Friends of the Earth Norway



NORSKE
LAKSEELVER

Oslo, 5 December 2025

Input to the public consultation on the EU Taxonomy - Review of Climate and Environmental Delegated Acts

This input is sent on behalf of the following associations in Norway, representing the interests of more than one million memberships:

- Friends of the Earth Norway (Naturvernforbundet)
- The Norwegian Trekking Association (DNT)
- WWF Norway
- The Norwegian Association of Hunters and Anglers (NJFF)
- The Norwegian Outdoor Council (Norsk Friluftsliv)
- The Norwegian Biodiversity Network (Sabima)
- Norwegian Salmon Rivers (Norske Lakseelver)

Our main interest lies with the implementation of the EU Taxonomy and the “Do No Significant Harm” (DNSH)-criteria for hydropower.

Renewable energy production is beneficial in many ways – but if it leads to ecosystem degradation and species loss, then it is obviously not sustainable. It is therefore important to remember that the EU Taxonomy came about on request from the financial sector, to direct financial investment towards economic activities that support a sustainable future. If simplification means replacing or weakening references to the requirements in the Water Framework Directive (WFD), or replacing them with looser, non-binding guidance, the intention with the Taxonomy and its DNSH-criteria risks being hollowed out.

We are aware that several parts of the Taxonomy and its DNSH-criteria are viewed unfavourably within the hydropower sector, as it limits their use of the concept of sustainability, i.e. that they no longer could define themselves as sustainable simply by producing renewable energy. We therefore wish to underline the importance of separating what is actually unclear rules, and what are unpopular rules. As well as to distinguish what is ‘difficult to apply in practice’, i.e. practical implementation challenges, from financial cost. As stated in the hearing document, “The risk is not only administrative but also political: if the framework is perceived as impractical or insufficiently accurate, it may weaken confidence in the EU’s broader sustainable finance agenda.” It is essential that the amendments do not erode trust in the Taxonomy as a credible framework for identifying sustainable projects.

The understanding of the negative impact of hydropower on nature, and knowledge and technology on how to mitigate that impact, has developed vastly since the bulk of Norwegian hydropower was built, in the period from 1900-1970s. This is important in reference to the points under “Cross-cutting supporting evidence” in Annex II of the Technical guidance on the application of the DNSH-criteria [1] as well as in setting the ecological potential for heavily modified water bodies (HMWBs). Our position is that facilities built 50 to 150 years ago cannot be considered to have reached their ecological potential, as no environmental assessments were conducted at the time and few, if any, measures to reduce their impact on nature have been implemented since.

The Commission has published several FAQs/Q&As. In December 2022, the Commission published a set of replies to FAQs [2], where points 56-58 clarify important issues regarding the DNSH-criteria for hydropower. One of these points specifies that, in order to qualify as sustainable, hydropower plants must hold a license, and that this license must in turn be linked to environmental objectives that meet modern standards under the WFD. These points are also included in this set of FAQs: <https://ec.europa.eu/sustainable-finance-taxonomy/faq>

Since then, the Commission has also published technical guidelines on the application of the DNSH-criteria[3] which clearly state, that:

1.3: *“An activity is considered to do significant harm to the sustainable use and protection of water and marine resources if it is detrimental to the good status or the good ecological potential of bodies of water, including surface water and groundwater, or to the good environmental status of marine waters;”* and

2.6: *“An activity is considered to do significant harm to the protection and restoration of biodiversity and ecosystems if it is significantly detrimental to the good condition and resilience of ecosystems, or detrimental to the conservation status of habitats and species, including those of Union interest.”*

In appendix II of these technical guidelines, the section on *“The sustainable use and protection of water and marine resources”* reads:

“The measure does not significantly impact (i) affected water bodies (nor prevent the specific water body to which it relates nor other water bodies in the same river basin to achieve good status or good potential, in accordance with the requirements of the Water Framework Directive) or (ii) protected habitats and species directly dependent on water.”

We are aware that interest groups within the hydropower sector in Norway try to gain support for an interpretation of the WFD that approves all environmental objectives under the directive as being in line with sustainability. As evident from the technical guidelines above, there is no such unclarity: an activity must not cause a water body to fail to achieve good ecological status (GES)/good ecological potential (GEP) in order to fulfil the DNSH-criteria.

We therefore do not believe this is due to unclear rules, but rather a desire to ease the demands in the WFD and the Taxonomy.

As stated in our input from the hearing in 2020 (Ref. Ares(2020)7765134 - 18/12/2020), we support the Commission's work for robust technical screening criteria and think it is important that the criteria apply regardless of the size or age of hydropower facilities.

We suggest that, if anything is to be amended in the DNSH-criteria for hydropower, it should be a strengthening of the requirement to meet GES/GEP, and of the requirement for facilities to hold a licence that reflects modern environmental standards in order to comply with the Taxonomy. However, besides these main principles, it is important to keep technical screening criteria that are measurable (flow regimes, ecological status thresholds, fish passage standards etc.) The Taxonomy risks being weakened if they are replaced by high-level principles or optional “best practices” which are easy to tick-box without delivering ecological outcomes. It is important to have standards that are enforceable and auditable (which principles are not). We also think public disclosure of monitoring data should be required in the DNSH-criteria.

We wish the Commission success in ensuring that this revision of the technical criteria will safeguard the clarity and integrity of the Taxonomy so that it differentiates genuinely sustainable activities from those that are not.

Best regards,

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[1] Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation, (C/2023/111):

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC00111>

[2] DRAFT COMMISSION NOTICE on the interpretation and implementation of certain legal provisions of the EU Taxonomy Climate Delegated Act establishing technical screening criteria for economic activities that contribute substantially to climate change mitigation or climate change adaptation and do no significant harm to other environmental objective, 19 Dec 2022:

<https://ec.europa.eu/finance/docs/law/221219-draft-commission-notice-eu-taxonomy-climate.pdf>

[3] Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (C/2023/111):

<https://ec.europa.eu/sustainable-finance-taxonomy/faq>