CrossGov

Coherent & Cross-compliant Ocean Governance for Delivering the EU Green Deal for European Seas

The Oslofjord Case Study

Summary Report

Funded by the European Union under the Grant Agreement Grant agreement ID 101060958. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union. Neither the European Union nor the granting authority can be held responsible for them.

Table of contents

Ecological and governance context 2

The challenges 2

Overcoming the challenges towards improved coherence across the land-sea interface 3

Ecological and governance context

The Oslofjord is a coastal inlet with an extensive catchment area, currently facing an ecological crisis. This is characterised by severe eutrophication, the collapse of demersal fish stocks, and widespread habitat loss and degradation. These impacts are primarily driven by intense human activities, including overfishing, urbanisation, and pollution originating from the entire catchment, especially agricultural runoff and sewage discharges.

Norway has implemented the WFD, which applies to both catchments and coastal waters out to 1nm from the baseline. Due to Norway's specific coastal geography with deep fjords and many islands, this designates an exceptional large coastal zone managed by the WFD. As a non-member of the EU, Norway has opted for national ocean management plans instead of the MSFD. Whereas coastal states in the EU can apply the MSFD in their coastal waters to create overlap with the WFD, Norway's Ocean Management Plans do not cover the coastal waters. Consequently, for coastal areas such as the Oslofjord, the WFD remains the sole policy for managing water quality and ecosystem health, as well as linking coastal and catchment governance.

The Oslofjord is covered by municipal spatial plans according to national planning legislation that stretches out to 1nm from the baseline. The spatial plans for the sea areas of the Oslofjord are generally lacking in detail, offering limited zoning of marine activities and insufficient integration of ecological considerations. In contrast, the 100-meter belt along the shoreline is a contested area with more specified planning requirements. Municipal planning in the Oslofjord is comparable to that of certain EU member states that have chosen not to extend their plans in accordance with the Maritime Spatial Planning Directive (MSPD) into their coastal zones but rely on national town and country planning (art. 2). However, since the other case studies in this project focus on MSPD-related planning rather than sub-national planning, we have not assessed the spatial planning dimension in greater detail.

The challenges

The Oslofjord's ecological crisis can be explained by weaknesses in the institutional frameworks, as well as limited coherence across the land-sea interface:

Waterbody-centred focus of the River Basin Management Plans (RBMPs) according to the WFD overlooks upstream-downstream interactions ('Not seeing the forest (Oslofjord**) for the trees (**waterbodies**)'):**

- With the WFD, integrated, cross-sectoral planning across river basins was introduced in Norway. However, it is focused on individual waterbodies as the main unit of management. Norway's river basin management has more than 32 000 waterbodies - more than any other EU state. It is the ecological status of these individual waterbodies that drives the designation and implementation of measures. A consequence of this narrow focus on individual water bodies is that the ecological status of the Oslofjord is not sufficiently considered in assessments and planning related to upstream water bodies. This limited recognition of upstream-downstream relations poses a significant challenge for the Oslofjord, where pollution originates from a large and complex catchment area. Although the two RBMPs for the Oslofjord include general statements that *'larger areas should be considered in conjunction when prioritising measures, with reference to upstream-downstream dynamics*,' they do not provide any concrete methodology for how such considerations should be operationalised.

- This is particularly relevant for nitrogen, the primary driver of eutrophication in saltwater such as the Oslofjord. In upstream freshwater bodies, growth of algae is typically limited by phosphorus, which is the primary substance that is removed; there are only six wastewater

treatment plants in Norway that remove nitrogen. As a result, measures to reduce nitrogen are not sufficiently addressed at the upstream sources.

A sharp divide between the WFD and marine management – no spatial and temporal alignment

- Norway's oceans management plans ensure broad, ecosystem-based management, with many similar approaches as the MSFD (Sander 2024). Unlike many EU coastal states, there is a sharp divide between these plans and the coastal zone management according to WFD.
- The divide results in separate knowledge systems and assessment processes. While a national, science-based assessment is conducted for three large ocean management areas, engaging all relevant scientific institutions and directorates, the ecological assessment of coastal waters under WFD is carried out at the individual waterbody level by various regional and local authorities, supported by a large database system developed for the purpose. The ocean management plans have provided some information of relevance for the coastal zone, but there is no coordination on the designation and implementation of policy measures, and there is no temporal alignment or coordination between the two planning cycles.

The WFD addresses a limited set of pressures, especially in coastal waters, and takes limited account of cumulative impacts.

- The WFD is primarily designed for pollution of freshwater, with coastal waters included to take account of their vulnerabilities towards inflows of inland waters (preamble 17). The indicators for assessing ecological status of coastal waters only cover selected parts of the ecosystems that are sensitive to pollution; while fish, seabirds and marine mammal populations are for instance excluded. Since Norway does not supplement the WFD with broader ecosystem assessments, the narrow focus inhibits broad action against all pressures, impeding ecosystem-based management in its large but highly affected coastal areas.
- The selected scope of the WFD, also in freshwater, combined with the assessment of individual indicators and the 'one out, all out' principle, leads to the RBMPs not assessing cumulative impacts from many pressures on the aquatic ecosystems well.

Achieving WFD objectives relies on voluntary contributions from sectoral authorities

- River basin district authorities only have a coordinating role, without authority to steer sectoral actions towards achieving the environmental goals. Neither are there funding directly linked to the plans that can stimulate implementation of measures and ensure effective use of resources across sectors. The reporting regime under the WFD is not very regular nor detailed, giving river basin district authorities little information about current progress. As a result, the designation and implementation of measures to improve water quality largely depend on voluntary efforts from sectoral authorities. These measures may conflict with sectoral policy goals (e.g., buffer strips to reduce runoff also reduce arable land and harvest yields) or require measures and resources beyond the capability of the sector, slowing down the implementation of necessary actions.

Overcoming the challenges towards improved coherence across the land-sea interface

Several of the challenges are already being recognized, and we already observe two approaches towards increasingly coherent and holistic water management:

1. **Improving coherence in the existing governance system**:

- As a result of the introduction of the WFD as cross-sectoral coordination, sectoral structures have been gradually adapted to reduce their negative effects on water quality (e.g. introduced regulations; guidelines; subsidies to support necessary measures). These changes in the existing sectoral structures are happening gradually, but they contribute to improved coherence between river basin management and sector policies.
- The Directorate Group, established as a cross-sectoral coordination body to support the implementation of the WFD, plays a key role in promoting coherence across sectors. They try to clarify how different interests should be considered by providing national guidelines for the RBMP planning. Moreover, they produce guidelines, for instance on how to consider water quality in spatial planning, which is an important tool for aligning sectoral management practices with environmental objectives. The group has also been called upon to take a more principal stance towards local disagreements between sectors. These approaches help ensuring a more consistent and coordinated implementation of the WFD across different sectors and levels of governance.
- Another pathway to improve the existing governance system would be to revise the indicator system under the WFD. Since the WFD is a minimum directive, states have the possibility to add more. In 2024, the Ocean Management Plans included a dedicated chapter on the coastal zone, acknowledging that the WFD's indicator system provides an incomplete picture of coastal challenges. The Plan recommended assessing whether the indicators should be expanded to better reflect and address coastal ecosystems. Although no decision has been made yet, such a revision would help make the WFD more suitable for the areas it is intended to cover.

2. **Introducing a new layer to the existing governance system**

Due to the ongoing ecological decline of the Oslofjord, the national government adopted an Action Plan for the Oslofjord in 2021. The Plan is cross-sectoral, integrating various sectors and pressures, both from land and sea. Its aim is to 'supplement, coordinate and reinforce' the ongoing positive efforts, not to replace the existing governance system. A broad-based Council has been established to support its implementation. This initiative can be described as a new layer that interacts and is intended to redirect established governance practices in the existing system, with the objective of achieving a clean, healthy and accessible Oslofjord. The Plan has led to the adoption of regulations and increased the implementation of policy measures within established sectoral structures, thereby also enhancing the implementation of River Basin Management Plans:

- The Plan is made for the entire Oslofjord, which is increasingly shifting the **governance focus from individual water bodies** to seeing the Oslofjord itself as primary object of governance. This addresses a weakness of the WFD not to account for effects on coastal areas.
- Despite not having any legally binding objectives, the Plan is driving **political mobilization** and **societal awareness** about the challenges in the Oslofjord, mobilizing sectors and actors across the catchment. This has for instance led to the adoption of new regulations within sectoral structures, indicating that political willingness created through an action plan can increase the implementation of environmental measures within sector-based governance systems.
- It introduces an **annual status reporting** conducted by the authorities that have been designated responsible for the different action points. Compared to the WFD's less stringent reporting requirements, the Plans annual status reporting has been argued to cause enhanced accountability and implementation by sector authorities.

- The Plan has led to the establishment of earmarked **financial subsidies**, channelled through the relevant sectors, to support the implementation of necessary measures in the Oslofjord region. These funds have been allocated from national budgets, reflecting a targeted approach where resources are directed toward a hotspot region.
- The Plan **includes fisheries** within its scope, which has eventually led to regulatory proposals for no-take zones in the fjord to address pressures from overfishing. In doing so, the Plan helps bridge a gap between previously fragmented governance approaches for ocean and coastal/freshwater areas. Fisheries are not covered by the WFD, while Ocean Management Plans do not include the Oslofjord.

In addition, the following additional pathways have been discussed with stakeholders (based on interviews and dedicated stakeholder co-creation seminar):

- Current river basin management is based on the ecological status of individual water bodies, rather than the overall carrying capacity of the fjord (coastal area). A science-based approach to river basin management would involve assessing the maximum allowable nutrient load that can be discharged into coastal areas like the Oslofjord. This would enable a recipient-oriented management approach. By establishing such nutrient budgets, maximum allowable inputs can be allocated across sectors within the river basin, guiding more targeted and effective policy planning. It has also been argued that this method offers better clarity and adaptability to future changes, such as population growth. Setting a pollution cap, rather than a percentage reduction target, ensures that total discharges remain within the required limits, even if pollution pressures increase.