

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

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The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.

Floods

Formal reference	
2007/60/EC (OJ L20 288 6.11.2007)	Directive on the assessment and management of flood risks
Proposed 18.1.2006 – COM(2006)15	
Legal base	Article 192 TFEU (originally article 175 TEC)
Binding dates	
Notification date	23 October 2007
Formal compliance	26 November 2009
Initial flood risk assessment	20 December 2011
Develop flood hazard and risk maps	20 December 2013
Produce flood risk management plans	22 December 2015

Purpose of the Directive

The aim of the Floods Directive 2007/60/EC is to establish a framework for the assessment and management of flood risks, aimed at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods. It requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk.

Summary of the Directive

Directive 2007/60/EC applies to all types of floods whether they originate from rivers or seas, or occur in urban and coastal areas. The focus of Directive 2007/60/EC is on the processes of management, rather than any specific obligations on the level of flood defence, etc. Implementation is to be carried out in the following three stages:

- An initial assessment of each river basin's flood risk and their associated coastal zones to be carried out by 20 December 2011.
- The development of flood hazard maps (showing the likelihood and flow of the potential flooding) and flood risk maps (showing the impact) by 20 December 2013, to identify high-, medium- and low-risk areas, including those areas where occurrences of floods would be considered an extreme event. The maps must include details such as expected water depths, economic activities that could be affected, the numbers of inhabitants at risk and the potential environmental damage.
- The production of flood risk management plans (showing measures to decrease the likelihood or impact of flooding) by 22 December 2015, to include measures to reduce the probability of flooding and its consequences, including working with neighbouring countries where necessary. These planning measures are to include a focus on preventing unsustainable land use practices by discouraging, for example,

building in flood-prone areas and encouraging sustainable land use practices, for example, restoring wetlands.

- Updates every 6 years thereafter that take into account the impact of climate change.

The Directive sets up a process of review of flood risk planning and integrates the processes into those of the Water Framework Directive ([2000/60/EC](#)), including public involvement and transparency.

The timetable for implementation of the Directive is set out in Table 1.

Table 1. Timetable for implementation of the Floods Directive 2007/60/EC

Action	Deadline	Article
Entry into force	26.11.2007	Art 18
Transposition	26.11.2009	Art 17
Reporting format Preliminary Flood Risk Assessment	22.12.2009	Art 11
Administrative arrangements to be in place and to be notified to the Commission	26.5.2010	Art 3
Cut-off date for transitional measure (availability of existing tools)	22.12.2010	Art 13
Preliminary flood risk assessment	22.12.2011	Art 4 and 5
Public participation process starts (publication of mechanism and timetable for consultation)	22.12.2012	Art 9.3 and 10
Flood hazard and risk maps	22.12.2013	Art 6
Flood risk management plans	22.12.2015	Art 7
2nd Preliminary Flood Risk Assessment, specific requirement on climate change Commission's first implementation report due	22.12.2018	Art 14.1 and 4
2nd Flood hazard and risk maps	22.12.2019	Art 14.2
End of 1st flood risk management cycle Review/update every 6 years thereafter	22.12.2021	Art 14.3 and 4

The Directive sets out a series of reporting obligations. These are summarized Table 2. Reporting sheets for Member States will be developed during 2010 and it is intended that they will report on implementation through the Water Information System for Europe (WISE).

Table 2. Reporting, notification and information obligations under the Floods Directive 2007/60/EC

Subject	Main Article	Other Articles	Responsibility	To	Report Due Date	Frequency/ Review
Transposition	17		Member States	European Commission	By 26/11/09	–
Competent authorities and Units of Management if different from Water Framework Directive 2000/60/EC	3.2 (Annex 1 2000/60/EC)		Member States	European Commission	26/05/10	3 months after any changes
Preliminary flood risk assessment	4	13.1.a and b	Member States	European Commission	22/03/12	22/12/18, every 6 years thereafter
Flood hazard and flood risk maps	6	13.2	Member States	European Commission	22/03/14	22/12/19, every 6 years thereafter
Flood risk management plans	7 Annex	13.3	Member States	European Commission	22/03/16	22/12/21, every 6 years thereafter
Deadline for availability of transitional measures	13		Member States	European Commission	22/12/2010	N/A
Progress by Member States in implementation	16		European Commission	European Parliament and Council	22/12/18	Every 6 years thereafter

Development of the Directive

Flooding has long been a serious problem in many Member States, ranging from individual occurrences on small regional rivers, to major incidents on Europe's transboundary waterways and coastal areas¹. For example, since 1998, floods have caused some 700 fatalities, the displacement of about half a million people and at least €25 billion in insured economic losses². Flood management has, however, not been the subject of direct legislative intervention at the European Union (EU) level. The Water Framework Directive ([2000/60/EC](#)) makes reference to flood management as an issue to be taken account of in river basin management, but sets no specified objectives in this regard. Thus, Directive 2000/60/EC:

- Addresses all human impacts on waters affecting quality or quantity, that is this includes flooding.
- Refers to 'contributing to mitigating the effects of floods and droughts' (Article 1), but its only operational objective is to take precautionary action against pollution resulting from flooding (Article 11).
- Measures relating to flood management are subject to the general provisions of Article 11 unless they have no impact on water status.

There was, therefore, a major gap in EU legislative coverage of this area of water management. There has, however, been a long experience of international cooperation on flood management in Europe, such as within the auspices of the International Commission for the Protection of the Rhine. In this case river planning for flood management objectives and their practical manifestation go hand in hand with those for water quality, biodiversity and other objectives. As a result some Member States have encouraged collaborative action on flood management, supported by the European Commission.

The Commission published a Communication on flood risk management in July 2004 ([COM\(2004\)472](#)). The Communication was short and the introductory sections outlined the problems of riverine and coastal flooding in the EU. It also summarized EU level activities (e.g. research, funding, etc.) as well as a short selection of Member State activities. The Communication proposed a 'concerted EU action programme for flood protection' to be taken forward by the Member States and Commission variously working together. It did not refer to a legislative proposal. The 'essential' features of the programme included:

- Improving cooperation and coordination through the development of flood risk management plans for each river basin and coastal zone where there is a flood risk.
- Developing and implementing flood risk maps.
- Improving information exchange, sharing best practice, etc.
- Developing stronger links in the research community.
- Improving coordination between relevant Community policies.
- Increasing public awareness and stakeholder participation.

The Communication prompted considerable informal debate within the Council and meetings held under the auspices of Directive 2000/60/EC. In particular, the Commission responded by setting up an informal European action programme, which examined issues such as the use of EU funds and information exchange as well as the development of a legislative proposal. As a result in July 2005 the Commission launched a limited Internet public consultation on a

proposed floods Directive prior to its publication with the aim of canvassing views from a wide range of stakeholders.

The proposal for a Directive was published by the European Commission on 18 January 2006. Following negotiations after the first reading, EU Environment Ministers reached a unanimous political agreement on the text of the Directive at the meeting of the Environment Council on 27 June 2006 and a Common Position published on 18 October 2006. The second reading in the European Parliament on 25 April 2007 adopted 27 compromise amendments and on 18 September 2007 the Council finally adopted the Floods Directive 2007/60/EC.

Implementation

The Directive required transposition into Member State national legislation by 26 November 2009. Information about national transposition measures can be found in the national [execution measures](#) communicated by the Member States. In March 2011 the Commission's website ('Floods Directive Scorecard') reported that 25 Member States had fully notified it of their transposition measures. Austria and France had only partially fulfilled this obligation.

Member State reports to the Commission on different aspects of the implementation of the Floods Directive can be found in the Reporting Obligations Database. Separate reports are provided on the [unit of management and competent authorities](#), [transitional measures](#), [preliminary flood risk assessment](#), [flood risk management plans](#) and [flood hazard maps and flood risk maps](#).

To support the implementation of Directive 2007/60/EC, a Working Group on Floods was established under the Common Implementation Strategy for implementation of Directive 2000/60/EC. The Working Group is focusing its work on:

- Development of reporting formats to assist implementation of Directive 2007/60/EC.
- Issues of joint implementation with Directive 2000/60/EC.
- Flood risk management information exchange. The themes selected for this are sustainable land use practices, climate change, flood forecasting/flash flooding, flood mapping, preliminary flood risk assessment and integrated river basin management/links with Directive 2000/60/EC.

The objectives of the Working Group are more specifically to³:

- Support the implementation of Directive 2007/60/EC, in particular as regards the development of reporting formats, and to prepare dossiers for adoption by the regulatory committee.
- Ensure a platform for coordination with Directive 2000/60/EC implementation, and thereby fostering integrated river basin management.
- Ensure links with other activities under the Common Implementation Strategy of Directive 2000/60/EC, notably on agriculture, hydromorphology, research, climate change, environmental objectives and exemptions and reporting.
- Provide a platform for information exchange on:
 - Best practices among Member States and the research community.
 - National and EU flood-related research programmes.
 - The best use of EU funding for flood-related activities.

- Other flood-related EU policies (SEA/EIA Directives, Seveso II Directive, Common Agricultural Policy, civil protection, disaster management, critical infrastructure, etc.).

Related Legislation

There are a number of other EU Directives and policies which have a strong interaction with the floods Directive:

- The Water Framework Directive ([2000/60/EC](#)).
- Major Accident Hazards (COMAH) Directive [96/82/EC](#).
- SEA Directive [2001/42/EC](#).
- EIA Directive [2003/35/EC](#).
- Regulation (EC) No [2012/2002](#) Establishing the European Union Solidarity Fund.
- Decision [2001/792/EC, EURATOM](#) of 23 October 2001, establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions.
- The Community Action Programme in the field of civil protection and the Community Mechanism for civil protection.
- Climate adaptation policies (see section on [Adapting to climate change](#)).

References

1 For a detailed discussion of the development of the Directive see: Farmer, A (2005) A European Union Directive on Flood Management. *Journal of Water Law* 16, pp 85–89.

2 European Environment Agency, Copenhagen (2004) Mapping the Impacts of Recent Natural Disasters and Technological Accidents in Europe.

3 Work programme and mandate 2008–2009 for Working group F on Floods (2010) Promoting early action,

http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/floods_programme/wg_f_floods/workprogramme_2008-9/EN_1.0_&a=d, Accessed 20.01.2010