Assessment and management of flood risks

2006/0005(COD) - 23/11/2006 - Council position

The common position incorporates a number of the European Parliament's first reading amendments, either verbatim, in part or in spirit. These improve or clarify the text of the proposed Directive.

The Common Position contains a significant number of changes compared to the Commission’s original proposal. In presentational terms, the text has been streamlined with several of the Articles in the original text being merged and recitals simplified. However, all of the essential elements in the Commission’s original proposal are retained. In terms of the substance, the most important changes in the Common Position as compared to the original proposal and that are not reflected in the Parliaments amendments, concern the streamlined preliminary flood risk assessment, strengthened international cooperation and weakened coordination with Directive 2000/60/EC.

Restriction in the definition of floods of the types of floods concerned by the Directive: the Common Position adds an inclusive list of types of floods that are to be covered by the Directive, but also includes the possibility to exclude sewerage floods from the application of the Directive.

Smaller units of management than river basin districts: the Common Position establishes that coastal areas and individual river basins may be used as units of management

Streamlining of the preliminary flood risk assessment and the consideration of climate change: the Common Position streamlines and simplifies the preliminary flood risk assessment, in particular as regards the assessment of the future potential extent and consequences of floods and factors changing flood risks. This includes the consideration of climate change, which has been weakened by making it optional until the first review of the preliminary flood risk assessment in 2018. The European Parliament, on the other hand, maintains the Commission's level of ambition as regards climate change, and in addition proposes more detailed requirements in the preliminary flood risk assessment. The Commission can accept the common positions delay of climate change considerations only in the view of an overall compromise, but added a statement to the Council conclusions that citizens expect that the impact of climate change on flood risk is properly assessed and considered.

Timetable: the Common Position changes the date for the finalisation of the first preliminary flood risk assessment to 22 December 2012, rather than 3 year's after the entry into force of the Directive.

Cooperation in shared river basin: this is strengthened in the common position in relation to all three stages of the Directive, in the preliminary flood risk assessment, the flood maps as well as in relation to the flood risk management plans.

Maps: **limited requirements to map different probability scenarios depending on the type of floods**: the Common Position introduces the possibility to only map the low probability scenario (most extreme scenario) for groundwater floodsand for coastal floods where there are appropriate protection measures in place. Mapping of the high probability floods (less extreme scenario) has also been made optional. Other changes introduced are clarifications that maps shall be made at the appropriate scale, that the flood extent shall be shown in the flood hazard maps and how to describe potential damage to economic activities and the environment in the flood risk maps.

Flood risk management plans: the Common Position introduces the possibility to produce more than one flood risk management plan in the river basin district, provided these are coordinated at the level of the river basin district. It also lays down specific cooperation possibility requirements in international sub-

basins. It furthermore requires that "objectives of flood risk management" are established, rather than the desired "level of protection", thus accepting that it may not be possible to guarantee a specific level of protection in the light of unpredictable natural hazards like floods. It also introduces the possibility to increase risks upstream or downstream countries provided there is agreement between the parties concerned. The Common Position also includes a number of other clarifications of the role of the flood risk management plans (links to the maps in Chapter III, specific consideration of the protection of ports infrastructure and navigation, the specification that flood forecasting and early warning systems as part of preparedness shall be in focus, the explicit possibility to use controlled floods of certain areas to reduce overall risk) which do not change the essential components of the proposed Directive.

Implementing measures and amendments: the Common Position introduces a deadline for specifying technical formats for reporting to the Commission to two years before the respective deadline. It also limits the possible adaptation of the Directive to scientific and technical progress by Committee procedure to the Annex only.

Correlation table: the Common Position moves the requirement to provide a correlation table with the transposition. **In the annex** a requirement to describe the method for cost-benefit analysis of measures in shared river basins is included, as is a report on monitoring mechanisms for the implementation, along with certain clarification as the formats for components of the plans.