Basic information

2006/0005(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Assessment and management of flood risks **Subject** 3.70.11 Natural disasters, Solidarity Fund	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	SEEBER Richard (PPE-DE)	29/11/2005

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	SEEBER Richard (PPE-DE)	29/11/2005

Former committee for opinion	Former rapporteur for opinion	Appointed
REGI Regional Development	EVANS Jill (Verts/ALE)	06/03/2006
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2818	2007-09-18
Transport, Telecommunications and Energy	2765	2006-11-23
Environment	2740	2006-06-27
Environment	2713	2006-03-09

European Commission

Commission DG	Commissioner
Environment	DIMAS Stavros

Key events

Date	Event	Reference	Summary
18/01/2006	Legislative proposal published	COM(2006)0015	Summary
01/02/2006	Committee referral announced in Parliament, 1st reading		
09/03/2006	Debate in Council		Summary
04/05/2006	Vote in committee, 1st reading		Summary
16/05/2006	Committee report tabled for plenary, 1st reading	A6-0182/2006	
12/06/2006	Debate in Parliament		
13/06/2006	Decision by Parliament, 1st reading	T6-0253/2006	Summary
13/06/2006	Results of vote in Parliament		
23/11/2006	Council position published	12131/6/2006	Summary
18/01/2007	Committee referral announced in Parliament, 2nd reading		
27/02/2007	Vote in committee, 2nd reading		Summary
09/03/2007	Committee recommendation tabled for plenary, 2nd reading	A6-0064/2007	
25/04/2007	Decision by Parliament, 2nd reading	T6-0143/2007	Summary
25/04/2007	Results of vote in Parliament		
25/04/2007	Debate in Parliament		
18/09/2007	Act approved by Council, 2nd reading		
23/10/2007	Final act signed		
23/10/2007	End of procedure in Parliament		
06/11/2007	Final act published in Official Journal		

Technical information

Procedure reference	2006/0005(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/43035

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE370.124	09/03/2006	

Amendments tabled in committee		PE371.879	06/04/2006	
Committee opinion	REGI	PE370.110	26/04/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0182/2006	16/05/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0253/2006	13/06/2006	Summary
Committee draft report		PE382.534	09/01/2007	
Amendments tabled in committee		PE384.516	06/02/2007	
Committee recommendation tabled for plenary, 2nd reading		A6-0064/2007	09/03/2007	
Text adopted by Parliament, 2nd reading		T6-0143/2007	25/04/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	14566/2006	31/10/2006	
Council position	12131/6/2006	23/11/2006	Summary
Draft final act	03618/2007/LEX	23/10/2007	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0015	18/01/2006	Summary
Document attached to the procedure	SEC(2006)0066	18/01/2006	Summary
Commission response to text adopted in plenary	SP(2006)3310	12/07/2006	
Commission communication on Council's position	COM(2006)0775	06/12/2006	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2007)0294	25/05/2007	Summary
Follow-up document	SWD(2015)0051	09/03/2015	Summary
Follow-up document	COM(2019)0095	26/02/2019	Summary
Follow-up document	SWD(2019)0030	26/02/2019	
Follow-up document	SWD(2019)0031	26/02/2019	
Follow-up document	SWD(2019)0032	26/02/2019	
Follow-up document	SWD(2019)0033	26/02/2019	
	SWD(2019)0034		

Follow-up document		26/02/2019	
Follow-up document	SWD(2019)0035	26/02/2019	
Follow-up document	SWD(2019)0036	26/02/2019	
Follow-up document	SWD(2019)0037	26/02/2019	
Follow-up document	SWD(2019)0038	26/02/2019	
Follow-up document	SWD(2019)0039	26/02/2019	
Follow-up document	SWD(2019)0040	26/02/2019	
Follow-up document	SWD(2019)0041	26/02/2019	
Follow-up document	SWD(2019)0042	26/02/2019	
Follow-up document	SWD(2019)0043	26/02/2019	
Follow-up document	SWD(2019)0044	26/02/2019	
Follow-up document	SWD(2019)0045	26/02/2019	
Follow-up document	SWD(2019)0046	26/02/2019	
Follow-up document	SWD(2019)0047	26/02/2019	
Follow-up document	SWD(2019)0048	26/02/2019	
Follow-up document	SWD(2019)0049	26/02/2019	
Follow-up document	SWD(2019)0050	26/02/2019	
Follow-up document	SWD(2019)0051	26/02/2019	
Follow-up document	SWD(2019)0052	26/02/2019	
Follow-up document	SWD(2019)0053	26/02/2019	
Follow-up document	SWD(2019)0054	26/02/2019	
Follow-up document	SWD(2019)0055	26/02/2019	

Follow-up document	SWD(2019)0056	26/02/2019	
Follow-up document	SWD(2019)0057	26/02/2019	
Follow-up document	SWD(2019)0058	26/02/2019	
Follow-up document	SWD(2019)0059	26/02/2019	
Follow-up document	SWD(2019)0060	26/02/2019	
Follow-up document	SWD(2019)0061	26/02/2019	
Follow-up document	SWD(2019)0062	26/02/2019	
Follow-up document	SWD(2019)0063	26/02/2019	
Follow-up document	SWD(2019)0064	26/02/2019	
Follow-up document	SWD(2019)0065	26/02/2019	
Follow-up document	SWD(2019)0066	26/02/2019	
Follow-up document	SWD(2019)0067	26/02/2019	
Follow-up document	SWD(2019)0068	26/02/2019	
Follow-up document	SWD(2019)0069	26/02/2019	
Follow-up document	SWD(2019)0070	26/02/2019	
Follow-up document	SWD(2019)0071	26/02/2019	
Follow-up document	SWD(2019)0072	26/02/2019	
Follow-up document	SWD(2019)0073	26/02/2019	
Follow-up document	SWD(2019)0074	26/02/2019	
Follow-up document	SWD(2019)0075	26/02/2019	
Follow-up document	SWD(2019)0076	26/02/2019	
	SWD(2019)0077		

Follow-up document		26/02/2019	
Follow-up document	SWD(2019)0078	26/02/2019	
Follow-up document	SWD(2019)0079	26/02/2019	
Follow-up document	SWD(2019)0080	26/02/2019	
Follow-up document	SWD(2019)0081	26/02/2019	
Follow-up document	SWD(2019)0082	26/02/2019	
Follow-up document	SWD(2019)0083	26/02/2019	
Follow-up document	SWD(2019)0084	26/02/2019	
Follow-up document	SWD(2021)0248	13/09/2021	
Follow-up document	SWD(2021)0249	13/09/2021	
Follow-up document	SWD(2021)0250	13/09/2021	
Follow-up document	SWD(2021)0251	13/09/2021	
Follow-up document	SWD(2021)0252	13/09/2021	
Follow-up document	SWD(2021)0253	13/09/2021	
Follow-up document	SWD(2021)0254	13/09/2021	
Follow-up document	SWD(2021)0255	13/09/2021	
Follow-up document	SWD(2021)0256	13/09/2021	
Follow-up document	COM(2021)0970	15/12/2021	
Follow-up document	SWD(2021)0970	15/12/2021	
Follow-up document	SWD(2021)0971	15/12/2021	
Follow-up document	COM(2025)0002	04/02/2025	
Follow-up document	SWD(2025)0013	04/02/2025	
Follow-up document	SWD(2025)0014	04/02/2025	
Follow-up document	SWD(2025)0015	04/02/2025	
Follow-up document	SWD(2025)0016	04/02/2025	
Follow-up document	SWD(2025)0017	04/02/2025	
	SWD(2025)0018		

Follow-up document		04/02/2025	
Follow-up document	SWD(2025)0019	04/02/2025	
Follow-up document	SWD(2025)0020	04/02/2025	
Follow-up document	SWD(2025)0021	04/02/2025	
Follow-up document	SWD(2025)0022	04/02/2025	
Follow-up document	SWD(2025)0023	04/02/2025	
Follow-up document	SWD(2025)0024	04/02/2025	
Follow-up document	SWD(2025)0025	04/02/2025	
Follow-up document	SWD(2025)0026	04/02/2025	
Follow-up document	SWD(2025)0027	04/02/2025	
Follow-up document	SWD(2025)0028	04/02/2025	
Follow-up document	SWD(2025)0029	04/02/2025	
Follow-up document	SWD(2025)0030	04/02/2025	
Follow-up document	SWD(2025)0031	04/02/2025	
Follow-up document	SWD(2025)0032	04/02/2025	
Follow-up document	SWD(2025)0033	04/02/2025	
Follow-up document	SWD(2025)0034	04/02/2025	
Follow-up document	SWD(2025)0035	04/02/2025	
Follow-up document	SWD(2026)0501	02/10/2026	
Follow-up document	SWD(2026)0601	02/10/2026	
Follow-up document	SWD(2026)0602	02/10/2026	
Follow-up document	SWD(2026)0603	02/10/2026	

Follow-up document	SWD(2026)0604	02/10/2026	
Follow-up document	SWD(2026)0701	02/10/2026	
Follow-up document	SWD(2026)0702	02/10/2026	
Follow-up document	SWD(2026)0703	02/10/2026	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0737/2006	17/05/2006	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2007/0060
OJ L 288 06.11.2007, p. 0027 Summary

Assessment and management of flood risks

2006/0005(COD) - 09/03/2015 - Follow-up document

This Commission staff working document concerns the progress in implementation of the Floods Directive.

To recall, Directive 2007/60/EC on the assessment and management of flood risks entered into force on 26 November 2007. This Directive required 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.

This staff working document noted that there has been a **multitude of approaches** across Europe in assessing the risk of flooding and implementing the requirements of the Floods Directive.

The main conclusions of this report are:

Preliminary Flood Risk Assessment (PFRA): these assessments considered potential sources of flooding such as from rivers, lakes, coastal waters, groundwater and surface water flooding from heavy rainfall. The report noted that 18 Member States decided to undertake a PFRA across their entire territories and for all potential sources of flooding. Other Member States used transitional measures: Luxembourg and Latvia decided to use existing risk assessments to identify flood risk areas across their whole territories. Belgium, Italy, the Netherlands, Portugal and Slovakia decided to use existing flood hazard and flood risk maps across their whole territories and did not undertake a Preliminary Flood Risk Assessment. Germany, Spain, and the United Kingdom used a mixture of approaches across their territories. Around 8000 areas of potential significant flood risk have been identified by 23 Member States with Croatia identifying the most (2976).

Sources of flooding: flooding from rivers was the most common source associated with flood risk areas and the economy was the most common aspect to be potentially impacted in these areas.

Flood hazard and flood risk maps have been prepared by most Member States with the potential flooding from rivers being most often mapped.

Most Member States with a coastline have also mapped potential sea water flooding. In some Member States it seems that flooding from a number of sources has been combined in a single map.

Cooperation: Member States are required to cooperate and coordinate with other Member States sharing river basins that cross national borders. This appears to have been done in all Member States for the assessment of flood risk and in the preparation of flood maps in cross border river basins, with the River Commissions such as those for the Danube and Rhine playing key roles in coordination and information exchange.

Next step: Member States should use the maps to develop Flood Risk Management Plans by December 2015.

Assessment and management of flood risks

2006/0005(COD) - 09/03/2006

Pending the opinion of the European Parliament, the Council took note of a report concerning progress achieved during the examination by the Council of a proposal for a Directive on the assessment and management of floods.

The progress report mentions the technical issues – related to coordination with the water framework Directive, the preliminary flood risk assessment, flood maps and flood risk management plans – yet to be resolved with a view to reaching political agreement in June if the opinion of the European Parliament is available.

Assessment and management of flood risks

2006/0005(COD) - 27/06/2006

The Council reached political agreement on a draft directive on the assessment and management of flood risk. Concerning the main issues yet to be resolved, the Council decided:

- that the scope of the Directive would cover both international and national river basins;
- to require that the preliminary flood risk assessment would be complete by 22 December 2012;
- to require the revision and updating of the flood hazard maps and of the flood risk maps by 22 December 2019 and revision of plans in 2021 and every six years thereafter.

The text will be adopted without further discussion at a forthcoming Council meeting in the form of a common position and sent to the European Parliament with a view to the second reading.

Assessment and management of flood risks

2006/0005(COD) - 13/06/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Richard **SEEBER** (EPP-ED, AT) making several amendments to the Commission's proposal:

- to reflect the fact that this piece of legislation is essentially concerned with risks, rather than with actual flood events, the title should read "Proposal for a directive….. on the assessment and management of flood risks", and this wording should also appear in Article 1 setting out the aims of the directive;

- emphasis should be placed on the principles of solidarity and cooperation among neighbouring countries, including non-EU countries, so that flood risk management can be coordinated over the entire area of a cross-border river catchment basin. Networks should be developed for the exchange of information between the competent authorities, and flood risk management plans should take account of the impact of these plans on neighbouring countries. River basin flood management should aim to create a common responsibility and solidarity within the basin. To that end Member States should endeavour to raise awareness and encourage cooperation among all stakeholders as well as in areas that are not, or are less, prone to flooding but which can contribute by their land use and practices to downstream or upstream floods.

- the subsidiarity principle should also be given due importance, and considerable flexibility should be left to the local and regional level in particular as regards organisation and responsibility of authorities, flood management plans and risk maps, the level of protection and the measures and the timetables to achieve the objectives set. For example, Member States should be able to lay down specific measures for areas with special characteristics. They should also be allowed some discretion as to what investigation period or what likely return period they wish to use as the basis for their flooding maps;

- there should be a broader definition of the concept of "flood", so as to include heavy rainfall as another cause of this phenomenon;

- in order to reduce the administrative and technical burden of implementing the directive, it should be possible for Member States to make use of existing work carried out in the area of flood protection, i.e. existing preliminary flood risk assessments as well as flood risk maps and management plans;

- Member States may decide, in respect of river basins, sub-basins and stretches of coastline for which a sufficient potential risk may already be assumed, to dispense with the preliminary flood risk assessment if certain conditions are met;

- flood risk management measures, especially those related to building infrastructures, should be subject to a sound and transparent economic and environmental appraisal to ensure their long-term viability for citizens and businesses, taking into account the principle of cost-recovery, including environmental and resource costs;

- flood risk maps may divide areas into zones according to land use and vulnerability to any likely damage;

- Member States shall determine the specific points at which the flood risk is higher. That information must be taken into account in land use planning;

- Member States' flood risk management plans at the level of the river basin district must describe flooding processes and their sensitivity to change, including the role of flood plain areas as a natural retention/buffer of floods and flood conveyance routes at present or in the future. Plans must also describe development plans that would entail a change of land use or of allocation of the population and distribution of economic activities resulting in an increase of flood risks in the area itself or in upstream or downstream regions;

- the flood risk management plan will include measures to prevent accidental pollution from technical installations as referred to in Annex I of Directive 96/61/EC and covered by Directive 96/82/EC as a consequence of flooding;

- Member States should inform and actively involve the public "to ensure a high level of preparedness as part of the flood risk management plans". Member States will provide the inhabitants of risk areas with information and training on a regular basis, so as to enable them to take appropriate pre-flood precautions and post-flood action;

- when drawing up its assessment report by the end of 2018, the Commission should take account of the impact of climate change.

Assessment and management of flood risks

2006/0005(COD) - 18/01/2006 - Legislative proposal

PURPOSE: to reduce and manage the risks which floods pose to human health, the environment, infrastructure and property.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: between 1998 and 2004, Europe suffered over 100 major floods. These floods caused some 700 fatalities, the displacement of about half a million people and insured economic losses totalling at least EUR 25 billion. Assets at risk include private housing, transport and public service infrastructure, commercial and industrial enterprises and agricultural land. More than 10 million people live in areas at risk of extreme floods along the Rhine and the potential damage from floods totals EUR 165 billion. In addition, floods can have severe environmental consequences, such as affecting waste water treatment plants or factories holding large quantities of toxic chemicals. Floods can also destroy wetland areas and reduce biodiversity.

Although the Commission has a tradition of environmental legislation on water quality, to date the Commission has taken no measures to reduce and manage floods. Its justification for presenting this proposal is based on the fact that most of Europe's river basins are shared. Rivers and regional seas are not confined to existing geo-political boundaries, instead most river basins and coastal areas are shared between various countries. Under these conditions, a purely national approach to flood risk management, the Commission argues, is neither technically nor economically feasible. Concerted Community action could bring considerable added value and improve the overall level of flood protection. The Commission is preparing this proposal following the publication of its Communication on flood risk management and following a 2004 Council conclusion, in which the Council requested the Commission to submit an appropriate proposal on the management of floods in the EU. The proposal is also being presented following extensive consultation with stakeholders and interested parties. The consultation process revealed broad support for the suggested approach being proposed.

In summary, the proposed Directive would provide for flood mapping in all areas at risk of significant flooding, for co-ordination within shared river basins and for producing flood risk management plans through a broad participatory processes. The Directive allows for considerable Member State flexibility, allowing them to determine the level of protection required, the measures to be taken to achieve this level of protection and the timetables for implementing flood risk management plans. River basins, sub-basins and regions which are not at significant risk may be exempted from the any measures under the Directive.

The proposed Directive is closely linked to the implementation of Water Framework Directive. As such, the Commission proposes to fully align the organisational and institutional aspects and timing between the Directives based on the river basin districts, the competent authorities and the committee established by the WFD. Once the Flood Directive is adopted, implementation of the two Directives will be closely co-ordinated. The Commission points out that the objective of the Directive, namely Member State co-operation and co-ordinated planning has already commenced under the auspices of International River Commissions such as those for the Danube, Oder, Elbe, Rhine, Maas and the Scheldt.

FINANCIAL IMPLICATIONS :

While implementation and financing of environmental policy is as a rule a right and obligation of the Member States (Article 175(4) of the EC Treaty), the Community has a variety of funding mechanisms which can be used to promote flood protection, e.g. under research policy, cohesion policy and agricultural (rural development) policy. Flood-related initiatives and measures are eligible both under the legislation in force in these policy areas and under legislation proposed for 2007 - 2013. However, this proposal will have no financial implications beyond the proposals already adopted by the Commission.

Assessment and management of flood risks

2006/0005(COD) - 25/04/2007 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Richard **SEEBER** (EPP-ED, AT), having arrived at an agreement with the Council on the compromise amendments adopted. The main ones were as follows:

- Member States shall complete the preliminary flood risk assessment by 22 December 2011

In the interests of solidarity, flood risk management plans established in one Member State shall not include measures which, by their extent and impact, significantly increase flood risks upstream or downstream of other countries in the same river basin or sub-basin, unless these measures have been coordinated and an agreed solution has been found among the Member States concerned.

- The impact of climate change shall be taken into account in the report that the Commission is required to draw up in 2018 on the implementation of the directive.

- With a view to giving rivers more space, Flood risk management plans should consider where possible the maintenance and/or restoration of floodplains, as well as measures to prevent and reduce damage to human health, the environment, cultural heritage and economic activity. The preliminary flood risk assessment must include floodplains as natural retention areas, and the effectiveness of existing man-made flood defence infrastructures.

- Member States should take account of the potential impact of their land use policies on flood risks. In addition, they call for management plans to include measures to encourage land use practices which are sustainable and improve water retention.

- Flood risk maps must include information on potential sources of environmental pollution as a consequence of floods. In this context, Member States should assess activities that have the effect of increasing flood risks.

- The annex to the directive describes what flood risk management plans should consist of. Any subsequent changes to this annex will be carried out under the new rules governing comitology (regulatory procedure with scrutiny) and will be subject to scrutiny by Parliament. MEPs were also successful in ensuring that the plans should lay down priorities among the measures to be taken.

- Member States should base their assessments, maps and plans on appropriate "best practice" and "best available technologies" not entailing excessive costs in the field of flood risk management.

Assessment and management of flood risks

2006/0005(COD) - 23/10/2007 - Final act

PURPOSE: to establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods in the Community.

LEGISLATIVE ACT: Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks.

CONTENT: the proposal creates an EU framework for flood risk management that builds on and is closely coordinated with Directive 2000/60/EC (Water Framework Directive), the cornerstone of EU water protection policy.

A three-step process is proposed:

(1) First, Member states will undertake a **preliminary flood risk assessment** of their river basins and associated coastal zones. This assessment shall be based on available or readily derivable information, such as records and studies on long term developments, in particular impacts of climate change on the occurrence of floods. The preliminary flood risk assessment should be completed by **22 December 2011**.

(2) Where real risks of flood damage exist, Member States shall then develop **flood risk maps**, covering the geographical areas which could be flooded according to the following scenarios: (a) floods with a low probability, or extreme event scenarios; (b) floods with a medium probability (likely return period ≥ 100 years); (c) floods with a high probability, where appropriate.

On the basis of a preliminary flood risk assessment, Member States shall, for each river basin district, or unit of management, or portion of an **international river basin district** lying within their territory, identify those areas for which they conclude that potential significant flood risks exist or might be considered likely to occur. Flood hazard maps and flood risk maps must be completed by **22 December 2013**.

(3) Lastly, on the basis of the flood risk maps, **flood risk management plans** must be drawn up for these zones. These plans shall take into account relevant aspects such as costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, the environmental objectives of Directive 2000/60/EC, soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure.

The plans shall address all aspects of flood risk management **focusing on prevention, protection, preparedness**, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or sub-basin. Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event. Flood risk management plans must be completed and published by **22 December 2015**.

Public information: Member States shall encourage active involvement of interested parties in the production, review and updating of the flood risk management plans. The plans, risk assessments and flood risk maps must be made available to the public.

Transitional measures: Member States may decide to make use of flood hazard maps and flood risk maps finalised before 22 December 2010, if such maps provide a level of information equivalent to the requirements of the Directive. They may also decide to make use of flood risk management plans finalised before 22 December 2010, provided the content of these plans is equivalent to the requirements set out in the Directive.

Reviews and reports: the preliminary flood risk assessment, or the assessment and decisions on transitional measures, shall be reviewed, and if necessary updated, by 22 December 2018 and every six years thereafter. The flood hazard maps and the flood risk maps shall be reviewed, and if necessary updated, by 22 December 2019 and every six years thereafter. The flood risk management plan(s) shall be reviewed, and if necessary updated, by 22 December 2021 and every six years thereafter.

The Commission shall, by 22 December 2018, and every six years thereafter, submit a report on the implementation of this Directive. The impact of climate change shall be taken into account in drawing up this report.

ENTRY INTO FORCE: 26/11/2007.

TRANSPOSITION: 26/11/2009.

Assessment and management of flood risks

2006/0005(COD) - 18/01/2006 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's proposal for a Directive of the European Parliament and of the Council on the assessment and management of floods – COM(2006)0015.

1- POLICY OPTIONS AND IMPACTS

Having thoroughly examined, and then ruling out as not feasible, three possible options, (no action, amending existing legislation and a prescriptive legislative instrument), the Commission considered two main options:

1.1- Option A – A strictly voluntary approach delivered through a Communication with non-binding recommendations: The development and implementation of action programmes would be based on voluntary political commitment by Member States and international river commissions. The Communication would set out the essential features of the action programme, as described in the Commission's 2004 Communication on flood risk management (COM(2004)0472 of 12.7.2004).

1.2- Option B – A combination of cooperation between the Commission, Member States and other involved parties, plus a flexible legislative instrument: This option is a combination of flexible non-binding mechanisms and flexible legislative instruments on those issues where progress needs to be guaranteed.

Cooperation between Member States, facilitated by the Commission, would lead to the improved exchange of information, sharing of experiences and development and promotion of best practices between Member States and other stakeholders. It would also result in the development of stronger linkages between the research community and the authorities responsible for water management and flood risk management.

In addition, the Commission would improve the co-ordination between the relevant Community policies by developing a targeted approach to EU funding possibilities. Relevant funding instruments have been proposed as regulations within the Common Agricultural Policy and the Cohesion Policy. The legal instrument would be ambitious in its scope but not prescriptive in its tools. It would translate the approach of the Communication on flood risk management of July 2004 and the discussions during the stakeholder consultation process into operational actions.

CONCLUSION: **It was clear from the assessment of impacts that the most cost effective and appropriate regulatory level was Option B(a 'package' approach of voluntary and cooperation measures linked to and underpinned by a flexible legislative instrument).** It would establish the principles of flood risk management, allow for prioritisation and leave flexibility to Member States in defining their desired level of protection, and the necessary measures and time schedules for implementing them. Existing preparatory, planning and operational measures would be fully integrated, including the relevant transboundary cooperation, and a range of Community funding instruments and research would underpin implementation.

IMPACTS

Economic: The selected option's economic impacts on cooperation through the open method of coordination would be negligible as it includes no binding measures and there are provisions governing the funding of cooperation projects in the new Cohesion policy. Moreover, the development of flood risk maps and flood protection plans would be important tools to use in deciding on the priorities for EU funds to be used in flood protection programmes.

The flexible legislative instrument would have budgetary consequences for public authorities as they have to develop preliminary flood risk assessment, flood maps and flood risk management. In general terms, the costs arising from these obligations would depend on the size of the river basin districts.

Option B would have a positive impact on the competitive position of EU industry. EU industries would be less affected or disturbed by flood events, in terms both of frequency and impact. It would help to improve the conditions for investment and for the proper functioning of markets by reducing the likelihood and impact of flood events, so there would be less chance of disruption of production.

Both elements of Option B would stimulate research and development, e.g. modelling at river basin level, and would result in more cost effective measures.

Social:Option B will decrease the likelihood of health risks related to flood events, e.g. psychological distress by reducing the likelihood and impact of floods. It would have a positive impact on the functioning of the labour market, as companies and industries are less affected or disturbed by flood events.

Producing flood risk maps will mean the public is better informed about flood risks, resulting in increased public awareness. There should be monetary benefits from this raised awareness since when people are aware of the risk they are likely to be more receptive to flood warnings and thus more inclined to protect themselves and their property (e.g. by simple flood-proofing measures).

Environmental: Firstly, the negative consequences of flooding on the environment would be decreased. By mapping the areas at risk of flooding, Member States can prevent future activities that affect the environment (like waste water treatment plants, chemical industries, etc.) in flood prone areas or adapt those activities to the flood risks.

Secondly, the close links with the WFD (Water Framework Directive) ensure not only that flood-related measures will not have a negative effect on the ecological status of water bodies, but will indeed result in measures that contribute to the ecological status. Member States will be looking more for cost efficient measures that benefit both floods and WFD.

2- FOLLOW-UP

Firstly, informal cooperation between the Commission and the Member States will provide for regular and transparent exchanges of information, identifying challenges, solutions, etc.

Secondly, the Commission will prepare regular reports on the progress of implementation. These reports will, where appropriate, also include elements of ex post evaluation, review and amendment of preliminary flood risk assessments, flood risk maps and flood risk management plans. Reporting through the “Water Information System for Europe” will not only drastically ease the administrative burden but should also bring considerable synergies. It should also give easy access to all the relevant information and action required under the three key management steps under the Directive.

Thirdly, evaluation of implementation will be complemented by similar assessments of the other two components of the Flood Action Programme, namely the exchange of information and knowledge and research efforts, and promotion of best use of funding instruments.

Assessment and management of flood risks

2006/0005(COD) - 06/12/2006 - Commission communication on Council's position

The Commission accepted totally, in part or in principle 59 (including one separate vote) of the 76 amendments proposed by the European Parliament in the first reading. 35 of these 59 amendments are incorporated in the Common Position. The Commission accepted all amendments which led to further clarifications on the links to Directive 2000/60/EC, on the importance of climate change considerations and on the use of existing instruments.

The Commission rejected, in particular, amendments which limited the application of the Directive to floods with specific causes, which introduced too detailed requirements or which could create unclear legal situations.

The Commission considers that the Common Position, adopted unanimously by the Council, represents an improvement on the flood risk management plans and on international cooperation and can therefore support it. The Commission recognises that there are outstanding concerns relating to delay of the considerations of potential future developments, including climate change, in the preliminary flood risk assessment and that there have been modifications of coordination requirements with Directive 2000/60/EC.

The Commission made two statements for inclusion in the Council minutes:

- **on climate change**: the Commission regrets that the political agreement did not include a text which would have ensured that the impact of climate change on flood risk was properly assessed and considered;

- **on the correlation table**: the Commission wishes to highlight its proposal, in accordance with the objectives of the inter-institutional agreement on better lawmaking, concerning the establishment by the

Member States of tables that demonstrate the correlation between the Directive and the transposition measures taken by the Member States, so as to allow the Commission to verify the conformity of national measures with the provisions in Community legislation. The Commission will not block a political agreement by the Council. The Commission however expects that this issue, which is of a horizontal nature, will be assessed jointly by the institutions.

Assessment and management of flood risks

2006/0005(COD) - 25/05/2007 - Commission opinion on Parliament's position at 2nd reading

In April 2007 the European Parliament adopted 26 out the 69 amendments originally tabled. The 26 that were adopted were part of a compromise package agreed upon with the Council. As such, the Commission accepts all of amendments in full.

Amendments to the recitals that clarify the role of climate change, flood plain management, environmental pollution, solidarity in shared river basin and the use of best available technologies, have all been accepted by the Commission.

Additional amendments that strengthen the Directive include:

- taking account of: future floods; climate change; existing flood defences and flood plains in the preliminary flood risk assessment;
- setting 2011 as the date by which the Directive will be assessed;
- setting out mapping requirements for other significant sources of pollution;
- establishing flood risk management plans for flood plain management;
- establishing sustainable land use practices;
- co-ordinating more with the Water Framework Directive.

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.

Assessment and management of flood risks

2006/0005(COD) - 26/02/2019 - Follow-up document

The Commission presents its 5th report on the implementation of the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC) based on the Commission's assessment of the second River Basin Management Plans (RBMPs) and first Flood Risk Management Plans (FRMPs) prepared by Member States for the period 2015-2021.

The Floods Directive, introduced in 2007 as one of the responses to the large floods along the Danube and Elbe rivers in the summer of 2002, sets a framework for reducing the risks of flood damage within the EU. The report notes that in light of increased flooding across Europe, the uncertainties surrounding flood risk management require continuous monitoring and adjustment of practices to ensure the lowest possible damages. This report focuses on progress so far, based on the first FRMPs. The Commission points out that, in its assessment, it considered, inter alia, comments made by the European Parliament on previous implementation reports. Parliament adopted a water-related resolution in 2015 stressing the synergies between the RBMPs and FRMPs.

Floods Directive – findings from first FRMPs

The report notes that under a **no-adaptation scenario** (i.e. assuming continuation of the current protection against river floods up to a current 100-year event), damages in the EU from the combined effect of climate and socioeconomic change are projected to rise from EUR 6.9 billion/year to EUR 20.4 billion/year by the 2020s, EUR 45.9 billion/year by the 2050s, and EUR 97.9 billion/year by the 2080s.

Almost all Member States reported the conclusions of their Preliminary Flood Risk Assessments and Flood Hazard and Risk Maps in their FRMPs. All Member States set objectives for the management of flood risks, and included measures for achieving the objectives. However, not all objectives are sufficiently elaborated to allow for implementation monitoring and not all measures are clearly linked to objectives. Taken together, these deficiencies may pose a challenge for the second cycle (2016-21), when Member States are expected to assess progress. The number of measures varies significantly across Member States, ranging from few individual measures to thousands of measure groups. About 50% of measures relate to prevention and preparedness, around 40% to protection from flood damage and the remaining 10% concern recovery. All 26 Member States' assessed include nature-based solutions in some or all

FRMPs, either as projects or preparatory studies. Although the Floods Directive does not mention insurance coverage against flood risks, more than half of the assessed FRMPs mention at least some related measures, including awareness raising.

All Member States reported on the prioritisation of measures, or provided a timeframe for their implementation. To illustrate, around 10% of the measures reported were of critical, 60% of very high or high, 20% of moderate and the remainder of low priority. 19 of 26 Member States assessed made some analysis of costs and benefits of measures.

About half of the Member States assessed made estimates of the costs of flood measures available, though, in many cases, not covering all FRMPs or measures. In 23 of 26 Member States, most of the FRMPs identified funding sources. However, in many cases this concerns possible funding mechanisms at large, e.g. the European Structural and Investment Funds.

Recommendations

The report states that although these are the first FRMPs, it is clear that all Member States have fundamentally embraced the concept of flood risk management even if the practical degree of elaboration varies. Achieving the key objective of the Floods Directive of reducing the potential adverse consequences from significant flooding will require sustained efforts from the part of the Member States in the following cycles.

For the second FRMPs, the report recommends that Member States should: (i) clearly link the implementation of measures to the achievement of objectives to be able to assess progress from the second cycle onwards; and (ii) identify specific funding sources to secure the implementation of measures.

The Commission will follow-up as relevant with the Member States on the recommendations contained in this report and its accompanying documents, to secure a better implementation of the requirements under the Water Framework and the Floods Directives. A stepped up enforcement of the legal obligations covering key pressures on the aquatic environment, such as those stemming from the Nitrates Directive and Urban Waste Water Treatment Directive, will also be pursued.

Lastly, the report notes that Europe's waters are increasingly affected by **climate change**. Compliance with EU water law is already helping to manage the effects of a changing climate, by anticipating more droughts and floods. EU water policy holds considerable potential to mitigate climate change, provided effective action is taken now.