

Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Floods have the potential to cause fatalities, displacement of people and damage to the environment, to severely compromise economic development and to undermine the economic activities of the Community.
- (2) Floods are natural phenomena which cannot be prevented. However, some human activities (such as increasing human settlements and economic assets in floodplains and the reduction of the natural water retention by land use) and climate change contribute to an increase in the likelihood and adverse impacts of flood events.
- (3) It is feasible and desirable to reduce the risk of adverse consequences, especially for human health and life, the environment, cultural heritage, economic activity and infrastructure associated with floods. However, measures to reduce these risks should, as far as possible, be coordinated throughout a river basin if they are to be effective.
- (4) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽³⁾ requires river basin management plans to be developed for each river basin district in order to achieve good ecological and chemical status, and it will contribute to mitigating the effects of floods. However, reducing the risk of floods is not one of the principal objectives of that Directive, nor does it take into account the future changes in the risk of flooding as a result of climate change.
- (5) The Commission Communication of 12 July 2004 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Flood risk management — Flood prevention, protection and mitigation’ sets out its analysis and approach to managing flood risks at Community level, and states that concerted and coordinated action at Community level would bring considerable added value and improve the overall level of flood protection.
- (6) Effective flood prevention and mitigation requires, in addition to coordination between Member States, cooperation with third countries. This is in line with Directive 2000/60/EC and international principles of flood risk management as developed notably under the United Nations Convention on the protection and use of transboundary water courses and international lakes, approved by Council Decision 95/308/EC ⁽⁴⁾, and any succeeding agreements on its application.
- (7) Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions ⁽⁵⁾ mobilises support and assistance from Member States in

the event of major emergencies, including floods. Civil protection can provide adequate response to affected populations and improve preparedness and resilience.

- (8) Under Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽⁶⁾ it is possible to grant rapid financial assistance in the event of a major disaster to help the people, natural zones, regions and countries concerned to return to conditions that are as normal as possible. However the Fund may only intervene for emergency operations, and not for the phases preceding an emergency.
- (9) In developing policies referring to water and land uses Member States and the Community should consider the potential impacts that such policies might have on flood risks and the management of flood risks.
- (10) Throughout the Community different types of floods occur, such as river floods, flash floods, urban floods and floods from the sea in coastal areas. The damage caused by flood events may also vary across the countries and regions of the Community. Hence, objectives regarding the management of flood risks should be determined by the Member States themselves and should be based on local and regional circumstances.
- (11) Flood risks in certain areas within the Community could be considered not to be significant, for example in thinly populated or unpopulated areas or in areas with limited economic assets or ecological value. In each river basin district or unit of management the flood risks and need for further action — such as the evaluation of flood mitigation potential — should be assessed.
- (12) In order to have available an effective tool for information, as well as a valuable basis for priority setting and further technical, financial and political decisions regarding flood risk management, it is necessary to provide for the establishing of flood hazard maps and flood risk maps showing the potential adverse consequences associated with different flood scenarios, including 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.
- (13) With a view to avoiding and reducing the adverse impacts of floods in the area concerned it is appropriate to provide for flood risk management plans. The causes and consequences of flood events vary across the countries and regions of the Community. Flood risk management plans should therefore take into account the particular characteristics of the areas they cover and provide for tailored solutions according to the needs and priorities of those areas, whilst ensuring relevant coordination within river basin districts and promoting the achievement of environmental objectives laid down in Community legislation. In particular, Member States should refrain from taking measures or engaging in actions which significantly increase the risk of flooding in other Member States, unless these measures have been coordinated and an agreed solution has been found among the Member States concerned.
- (14) Flood risk management plans should focus on prevention, protection and preparedness. With a view to giving rivers more space, they 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 elements of flood risk management plans should be

periodically reviewed and if necessary updated, taking into account the likely impacts of climate change on the occurrence of floods.

- (15) The solidarity principle is very important in the context of flood risk management. In the light of it Member States should be encouraged to seek a fair sharing of responsibilities, when measures are jointly decided for the common benefit, as regards flood risk management along water courses.
- (16) To prevent duplication of work, Member States should be entitled to use existing preliminary flood risk assessments, flood hazard and risk maps and flood risk management plans for the purposes of achieving the objectives and satisfying the requirements of this Directive.
- (17) Development of river basin management plans under Directive 2000/60/EC and of flood risk management plans under this Directive are elements of integrated river basin management. The two processes should therefore use the mutual potential for common synergies and benefits, having regard to the environmental objectives of Directive 2000/60/EC, ensuring efficiency and wise use of resources while recognising that the competent authorities and management units might be different under this Directive and Directive 2000/60/EC.
- (18) 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.
- (19) In cases of multi-purpose use of bodies of water for different forms of sustainable human activities (e.g. flood risk management, ecology, inland navigation or hydropower) and the impacts of such use on the bodies of water, Directive 2000/60/EC provides for a clear and transparent process for addressing such uses and impacts, including possible exemptions from the objectives of 'good status' or of 'non-deterioration' in Article 4 thereof. Directive 2000/60/EC provides for cost recovery in Article 9.
- (20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾.
- (21) In particular, the Commission should be empowered to adapt the Annex to scientific and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (22) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, it seeks to promote the integration into Community policies of a high level of environmental protection in accordance with the principle of sustainable development as laid down in Article 37 of the Charter of Fundamental Rights of the European Union.
- (23) Since the objective of this Directive, namely the establishment of a framework for measures to reduce the risks of flood damage, cannot be sufficiently achieved by the Member States and can by reason of scale and effects of actions be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the

principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (24) In accordance with the principles of proportionality and subsidiarity and the Protocol on the application of the principles of subsidiarity and proportionality attached to the Treaty, and in view of existing capabilities of Member States, considerable flexibility should be left to the local and regional levels, in particular as regards organisation and responsibility of authorities.