
PROPOSED DIRECTIVE ON THE ASSESSMENT AND MANAGEMENT OF FLOODS

Comments from the European Water Association

8 May 2006

The European Water Association (EWA) welcomes the opportunity to submit comments on the proposed Directive through the Austrian Presidency. EWA generally welcomes the proposed Directive, but with a number of reservations on specific aspects that we hope might be reconsidered and addressed. These issues are set out below. Specific references relate to the version of the Draft Directive dated 18 January 2006 but changes proposed in the version prepared as a 'Presidency compromise' dated 9 March 2006 have been taken into account.

General Comments

- A) Preliminary Assessment:** In the first draft dated 18th January 2006 paragraph 13 stated *"To prevent duplication of work Member States should be able to use existing flood risk maps and flood risk management plans for the purposes of satisfying the requirements of this Directive."* A considerable amount of very valuable work has already been or is at present being undertaken in this respect - this needs to be recognised and taken into account. We strongly believe that a provision with the same intent as the original paragraph 13 should be written into Article 4 (or Article 5 or 6). Requirements could perhaps be simplified further and where more detailed flood risk assessments already exist there may be no need to undertake further risk assessment at this stage.
- B) Implementation:** We recognise and strongly support the need for close coordination and links with Directive 2000/60/EC. However, in implementing the proposed Directive we strongly believe that overall direction should remain complimentary to but not controlled by the implementation process that is in place for Directive 2000/60/EC. We would strongly encourage amendment of Article 16 to reflect this. We would support a proposal that direction and assistance to the Commission be provided by the Water Directors. In this respect EWA supports the comments made by Ireland dated 3rd February 2006.
- C) Land Management:** In the January draft document same emphasis is given concerning the synchronization and coordination between the "Floods Directive" and the WFD. Also a kind of "linkage" between flood risk management and water quality management is often explicitly or implicitly mentioned (*".. there is a strong linkage between the water quality management already in progress under the WFD and the flood risk management measures envisaged under this proposal..." p.7*). Notwithstanding the unquestionable advantage of synchronizing the temporal implementation of the two Directives, which EWA supports, in the document under preparation flood management appears as representing an "environmental danger" which is not correct. Floods themselves are not an environmental danger and their negative consequences are due to "external causes", namely anthropogenic causes related with unsuitable land use and occupation or inappropriate flood defence measures. If the land is managed to be resilient to flooding - by means of fluvial corridors well delimited and free of obstacles or unsuitable occupation - flooding could even represent a benefit from many environmental points of view. Therefore it seems crucial to connect the risk of the flooding with land use management related issues. According to this perspective flood risk management, prevention, protection and mitigation in accord with sustainable development is in many ways a problem of land use management. This aspect appears to be omitted in the document under preparation.

- D) Flood Risk Diagnosis:** Efficient actions regarding flood risk management, prevention, protection and mitigation measures require much more than maps of the areas prone to the flood risk or the flow characteristics (like depth and velocity) along the rivers in those areas. It is essential to understand why those areas became prone to these risks: perhaps, due to unsuitable land use and occupation, or to ill-informed or ineffective central and local administrations that allow unhindered construction in the flood plains. Either to understand the present situation (and act appropriately) or to prevent future similar situations an extensive and objective flood risk diagnosis is important. That diagnosis should be focused on unsuitable land use and occupation, or in other words, effective land management.

Specific Comments

Chapter II, Article 4 (January Draft)

Taking into account the general comments C) and D) above, a new item could be included between points 2 (c) and 2 (d) (p. 14) as follows: *a summary of the legal dispositions applicable in each country related with flood risk related issues, with emphasis on those dealing with the definition of the public domain and with the land use restrictions in that domain. Also an evaluation of the effectiveness of the central and local authorities in preventing and prohibiting irregular or non-legal actions/interventions in that domain.*

Chapter III, Article 7 (p. 15 January Draft)

Under the statement "For each scenario set out in the first subparagraph the following elements shall be shown" several elements are listed. However the evaluation of those elements it is only possible based on very detailed mapping. This requirement may not be realistic at least at the catchment scale. Therefore it is suggested to replace the three items that follow the previous statement by the next four items:

(a) recognition and mapping of the river reaches where the consequences of floods occurrence is likely to be important (for the downstream populations, including the public health, for the economic activities or for the ecosystems).

(b) for those reaches, projected water depths;

(c) for those reaches, the flow velocity, when appropriate;

(d) also for those reaches, areas which could be subjected to bank erosion and debris flow deposition.

Maps should only be prepared where they need to be prepared. This also applies to the production of "further maps"

Chapter IV, Article 7 (p. 16 January Draft)

EW A supports the concept of using Flood Risk Management Objectives (as modified in the 17 March Draft), rather than levels of protection, for each river basin.