

Influence of the European directive on changes of against-flood related legislation in the Czech Republic

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In my article I would like to describe a field of several problems related to legal regulation of floods and protection against negative impact of floods. The floods have permanently formed and created landscape, both nowadays and in the past. It leads to asking some questions and then to looking for the related answers. Thousands years old reports from chronicles show that floods were destroying our landscape in some periods – shorter or longer.

Impact of floods in European territory is always beyond borders of one state. From this reason it is necessary to solve against-flood protection topics by common or at least similar legal regulation. The European Union tries to unify those legal regulations.

At first I will focus on the legal regulation of an against-flood protection and a definition of flood itself in the Czech legal order. The Czech legal regulation is based on the law 254/2001 Coll., about waters, in current version. This law defines the term flood in its paragraph § 64. Based on this paragraph, flood is temporary strong increase of water level. Water swamps the landscape and damages land out of the river-basin. As well, flood means impossibility of water to temporarily leave naturally its place or the draining of water is insufficient or the land is swamped by concentrated draining of rainfall water. Based on this definition, the floods can be divided into

- natural flood – it can be caused by natural effects, especially melting of snow and ice, rainfalls, ice moving etc.
- special flood – can be caused by other effects, especially by damage of waterworks that can lead to failure or emergency solution of critical situation on the waterworks.
- Basic cause of flood is precipitation, either rainfall or snowfall.

Dimension of flood is defined by dimension of rainfall and its intensity. The course of the flood relates to immediate conditions during the flood, i. e. freezing of land, saturation of soil, state of vegetation etc.¹

Floods can be divided into following types:

- rainfall based flood – after one-day or longer rainfalls,
- snowfall based flood – after quick melting of snow,
- combined flood – combination of rainfall and snow-melting, extreme effect,
- ice based flood – after long time freezing; sudden increase of temperature causes breaking and moving of ice; it causes ice barriers and extreme raising of water.²

¹ Šolc, J., Povodeň, Zpravodaj povodí Moravy, srpen 2007, s. 13.

² Šolc, J., Povodeň, Zpravodaj povodí Moravy, srpen 2007, s. 13.

Flood can be predicted in case of expected heavy melting of snow, i. e. “spring floods”. In other cases the flood cannot be predicted due to unexpected amount of rainfalls in some area.

The European Parliament and the Council directive 2000/60/EC has been adopted with the goal to consolidate legal regulations of Member states. The directive defines framework for work of Member states in field of water policy. Further directive 2007/60/EC, (from 23th October 2007) on the assessment and management of flood risks. It was necessary to implement those directives into the Czech legal order. It was one of the goals of huge novel of “Law on Water”. The reasons why have those two directives been adopted by the European Parliament and the Council are defined in their introductory clauses. Shortly, the main reason can be described as the will to protect the Member states against floods by common approach of all Member states. Obviously, large and extreme floods from last years (that influenced most of central European countries and countries on lower reach of Danube, Elbe and Rhine Rivers) helped to adopt those directives. It is clear that this kind of disasters does not respect any state borders. If we want to defend against floods, it is necessary to coordinate an approach of all Member states in natural drainage areas³. To lower the risk of negative influence of floods (especially on health, life and possessions), the common approach of all relevant authorities should be well coordinated over the country borders. The directive should have contribute to it. Effective against-flood prevention and decreasing of effects of floods require cooperation with third countries according to international management rules of flood risks. The international rules are based on United Nations Convention on the protection and use of transboundary watercourses and international lakes that has been adopted by the Council decision 95/308/EC and all other following agreements about its exercitation.

The directive 2007/60/EC sets to Member states following duties with the goal to prevent the negative effects of floods:

- to make plans to manage flood risks. These plans should reflect concrete characteristics of relevant areas. They have to set solutions regarding to the specific needs of the area. The plans should focus on prevention and protection.
- to draw maps of flood danger and maps of flood risks and plans to manage them,
- to make preliminary evaluation of flood risks,
- to adopt adequate measures to coordinate use of the directive 2007/60/EC and directive 2000/60/EC.

The Member states have to make the maps of flood danger and maps of flood risks at latest till 22nd December 2013 and plans to manage flood risks at latest till 22nd December 2015.

Those rules have been implemented into the Czech legal order by the law 20/2004 Coll. and the law 150/2010 Coll. These two laws changed previous “Law on water” 254/2001 Coll. New regulation on planning in this field is set in part IV. of the “Law on water”. Against-flood preservation is set in part IX. The

³ Březina, P., Návrh Směrnice EU o povodních, Vodní hospodářství, 2006, č. 11, s. 392.

part IV. reflects on the directive 200/60/EC and two paragraphs §64a – managing of flood risks and § 66 – setting the flood-risk areas reflect on the directive 2007/60/EC.

The directives above bring the international level into the solution of against-flood protection. Common or coordinated plans should be made for international drainage areas. It is required that measure in one country does not make significantly worse situation in other country.⁴

I am finding the adoption of common approaches of European countries in relation to against-flood protection as very well done. Common approaches should contribute to better security of persons and possessions.

⁴ Březina, P., Návrh Směrnice EU o povodních, Vodní hospodářství, 2006, č. 11, s. 392.