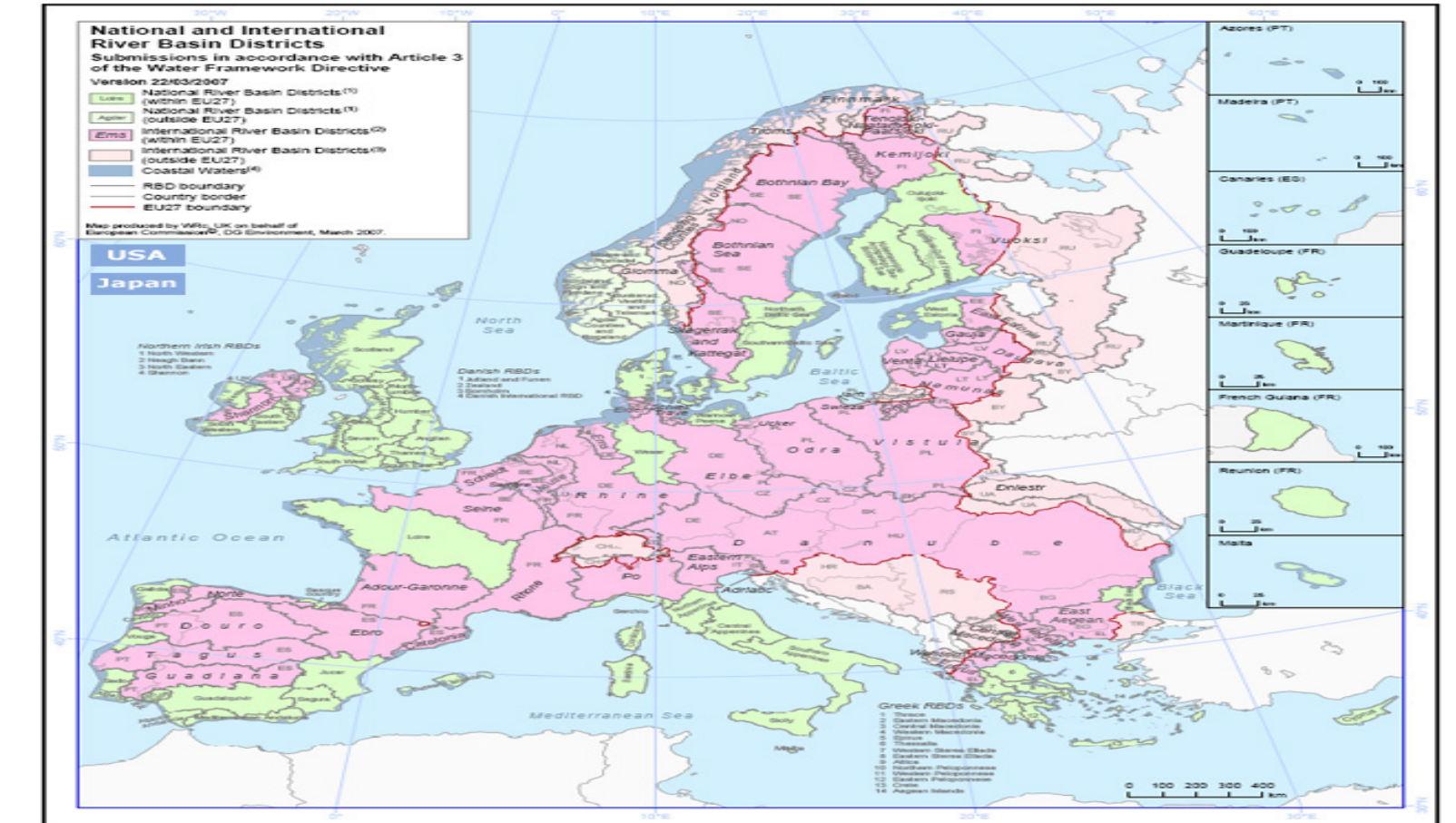


Cooperation in Flood Risk Management between EU Member States in International River Basin Districts



Aim:
Identification of bottlenecks in the existing EU legal framework for cooperation in transboundary waters with regard to Flood Risk Management and recommendations on how framework for cooperation can be optimised.

Research questions:

1. What are the responsibilities of Member States in International River Basin Districts stemming from the Water Framework Directive and the Floods Directive with regard to the mitigation of and adaptation to floods, droughts and water scarcity, and how do they interact with existing international structures and mechanisms?
2. Which lessons can be learnt from the governance of transboundary waters in the United States?

A multi level governance challenge



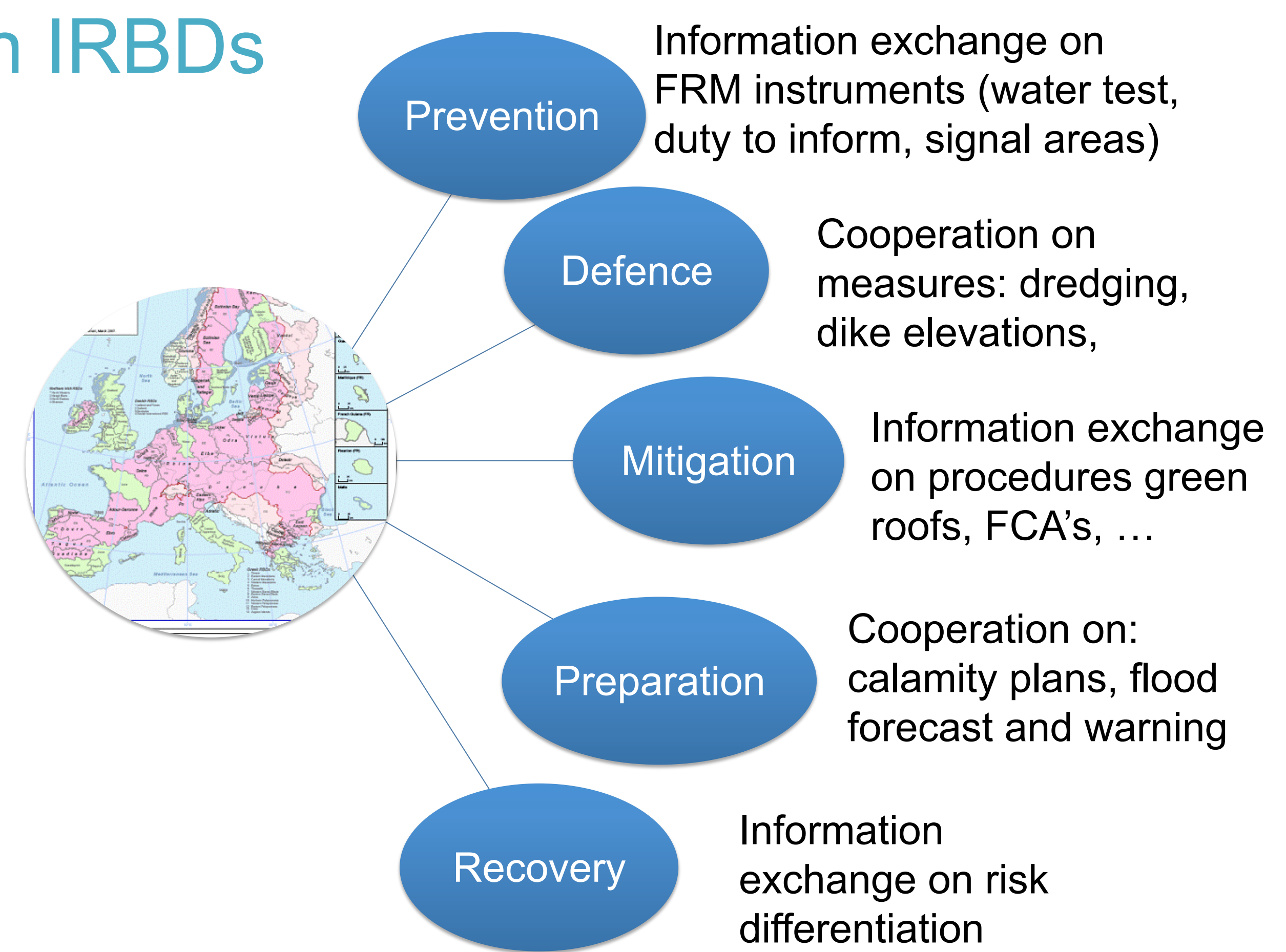
Overview of the “as-is” situation of the EU legal framework for cooperation in transboundary waters with regard to the flood risk management, on the basis of the five pillars of transboundary water governance as identified by the Global Water Partnership (GWP, 2012)

EU legal framework for water quantity management in transboundary waters		
Pillars & Directives	Water Framework Directive	Floods Directive
Scope	<ul style="list-style-type: none"> - River basin districts - Surface water - Associated groundwater 	<ul style="list-style-type: none"> - River basin districts - Surface water - Associated groundwater
Substantive provisions	<ul style="list-style-type: none"> - Good quantitative status groundwater - Cost recovery - Program of measures 	<ul style="list-style-type: none"> - Member States should set objectives (own discretion)
Procedural provisions	<ul style="list-style-type: none"> - General duty to cooperate - Obligation of joint implementation 	<ul style="list-style-type: none"> - Solidarity principle - No explicit obligation of joint implementation
Institutional mechanisms	<ul style="list-style-type: none"> - Common Implementation Strategy - Non-binding resort to EC - Existing international Treaties 	<ul style="list-style-type: none"> - Common Implementation Strategy - Non-binding resort to EC - Existing international Treaties
Dispute resolution	<ul style="list-style-type: none"> - ECJ - Mediation procedure (6m) 	<ul style="list-style-type: none"> - ECJ - Mediation procedure (6m)

Some bottlenecks



- Different TFEU legal basis & decision-making procedure for water quantity management (unanimity) and water quality management (QMV)
- International River Basin District ≠ unit of governance → legal value of cooperation requirements limited
- Unclear which requirements should be carried out at the level of the IRBD or RBD
- Vagueness on some issues, e.g. transboundary public participation? Notification requirements?
- FRMP's: no legal repercussions when coordination fails
- Discrepancies in competences competent authorities
- Tension between EU and international level in terms of conflict resolution

Flood Risk Management Strategies in IRBDs



Moving forwards

Mutual learning lessons with the United States

	
<p>EU RBD Agreements</p> <ul style="list-style-type: none"> • Agreement with soft commitments - creation of informal platform: max. sovereignty • Limited powers commission (advisory, some decision-making power) • No repercussions failure cooperation • No dispute settlement mechanism (e.g. Meuse, Scheldt) 	<p>Compacts (Delaware)</p> <ul style="list-style-type: none"> • Focus compact: empowering joint body • Broad mandate Commission, e.g.: <ul style="list-style-type: none"> • Permit issuance • Standards re flood plain zoning • Plan and operate projects • Oversight federal level • Extensive dispute settlement

This research is conducted in the framework of the STAR-FLOOD project. This European project is focused on analysing, explaining, evaluating and designing policies to better deal with flood risks from rivers in urban agglomerations across Europe. STAR-FLOOD runs from 1 October 2012 until 31 March 2016 (www.starflood.eu).

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