**Floods Directive**

*Legal reference*

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

**Transposition**

**A. Which parts of the Directive have been transposed?**

Article 2 - the purpose of this Directive, in addition to the definitions of ‘river’, ‘river basin’, ‘sub-basin’ and ‘river basin district’ as set out in Article 2 of Directive 2000/60/EC, and Article 4.1 for an international river basin district lying within their territory, undertake a preliminary flood risk assessment and definitions for flood, which was adopted in accordance with Law on Water , (Official Gazette of Montenegro 27-07) of 17 May 2007, Article 96, which regulates the issues of flooding areas in the following manner:

* Flooding areas are aquatic and other land where water occasionally overflows outside the aquatic land due to specific circumstances.
* The Ministry of Agriculture and Rural Development shall determine flooding areas in waters significant for Montenegro, while flooding areas in waters of local importance shall be determined by the competent local government body, upon previously obtained opinion of Directorate for Water.
* Flooding areas shall be determined depending on degree of probability for adverse effect of water, number of potentially threatened residents and scale of possible damage made to facilities, land and property.
* Borders of flooding areas shall be plotted in the relevant topographic layouts and spatial plans, and cadastral lots in those zones shall be recorded in the information system and separately designated in the cadastre of real estates.

Article 4.3 that defines which in the case of international river basin districts, and Article 6.2 that defines preparation of flood hazard maps and flood risk maps for areas, which are adopted in accordance with Article 157 the following definitions for flood adopted in accordance Law on Water (Official Gazette of Montenegro 27-07), which states that the needs and interests of Montenegro in the segment of cross – border water resources management in basins determined under this Law shall be fulfilled through adequate international cooperation.

**B. How and when will remaining provisions be transposed?**

Following the Amendments to the Law on Water (2015) and adoption of relevant secondary legislation, the remaining part of the Directive shall be transposed to national legislation.

**Implementation**

**What has been achieved as regards:**

* **Taking into account all types of floods which are relevant for the climatic region.**

The manner of achieving these goals shall be regulated following the Amendments to the Law on Water (2015) and adoption of relevant secondary legislation.

For the time being, the map of water zones for the territory of Montenegro is developed on the grounds of the Water Management Basis from 2001, which were adopted in accordance with the old Law on Water that is no longer valid. The map is attached to this document.

* **Taking into account climate change in the implementation of the Directive.**

The manner of achieving these goals shall be regulated following the Amendments to the Law on Water (2015) and adoption of relevant secondary legislation.

* **Setting up of administrative arrangements – identification of the competent authority (Article 3)**

Competent authorities (CA) with responsibilities for management and implementation of different components of floods risk assessment including monitoring and procedures are:

* Ministry of Agriculture and Rural Development - the water sector and Water Directorate,
* Ministry of the Interior, Sector for Emergency Management

Hydro meteorological and Seizmological Institute.

In case of increase in the level of water in the stream, which can lead to greater flood hazards (declaration of the fourth degree of danger from flooding), the management of protection and rescue of people, material and cultural resources is assumed by the Coordination Team for Emergency Management through state administration bodies, which are in charge of Emergency Management.

Coordination Team for management of emergency situations coordinates all activities in such cases.

* Hydro meteorological Institute is constantly working on development of forecasts regarding arrival of flood waves and submit reports on the hydrological situation, forecast and warning institutions responsible for flood risk management.

Local authorities are competent for waters of local importance.

Law on Protection and Rescue (Official Gazette of Montenegro 13/07) deals with floods in the separate chapter as one of rescue and protection measures. Furthermore, this law stipulates that the Government shall form Coordination team for emergency management. The Coordination Team has the following tasks:

* to monitor and analyze the assessment of the state of threat to the environment,
* to coordinate activities of competent ministries regarding recovery and mitigation of effects of emergency situations,
* to demand from competent bodies to undertake necessary measures for protection and rescue of people and material goods, as well as situation recovery, and
* to determine priorities, dynamics and deadlines for performance of activities, along with evaluation of results achieved in crisis situations and all other cases of direct threat to people and property.

With the view to more efficient implementation of decisions and tasks of the Coordination Team, the Sector for Emergency Situations and Civil Security from the Ministry of the Interior formed the Operational Headquarters, which consists of representatives from the Ministry of Health, Ministry of Foreign Affairs, Ministry of Agriculture and Rural Development, Armed Forces of Montenegro, Police Directorate, Environmental Protection Agency, Institute of Public Health, Emergency Care Service, Clinical Centre of Montenegro. Red Cross of Montenegro, Electric Power Holding Company of Montenegro, Transport Directorate, Hydro Meteorological Institute of Montenegro and Veterinary Administration. The tasks of the Operational Headquarters are inter alia:

* coordination and management of all segments of integrated management system in emergency situations,
* continuous monitoring of work of municipal teams for emergency situation management (24 hours communication),
* evaluation of necessity for performing evacuation and other affairs,
* engagement of airplane – helicopter unit of the Ministry of the Interior for reconnaissance and air rescue, as well as helicopter unit of the Armed Forces of Montenegro;
* engagement of members of units for water rescue of the Police Directorate and Armed Forces of Montenegro,
* coordination of distribution of aid in the endangered areas,
* coordination of foreign aid,
* Engagement of construction capacities in accordance with operational plan. Apart from these activities, the Operational Headquarters coordinates the performance of tasks related to provision of regular water supply, electricity supply, and extraction of water from flooded facilities, drinking water control, health care protection (home care), epidemiological protection, livestock protection, food and personal hygiene assets supply, provision of shelter to evacuated people etc.

In compliance with the Coordination Team, municipal teams for emergency situation management have been formed within local administrations, the tasks of which are to manage and coordinate activities, human and material resources within their municipalities in emergency situations, including floods.

Protection and rescue from floods is being carried out on the grounds of the following protection and rescue plans.

* National plan for protection and rescue from floods,
* municipal plans for protection and rescue from floods, which are developed on the grounds of national plan, and
* Business plans, which have to be harmonized with municipal plan.

The Ministry of the Interior – the Sector for Emergency Situations and Civil Security has developed the National Plan for Protection and Rescue from Floods in accordance with the Law on Protection and Rescue (Official Gazette of Montenegro 13/07), the Rulebook on Methodology for Drafting Elaborates on the Assessment of Natural, Technical – Technological and Other Accident Risks (Official Gazette of Montenegro 41/08) and the Rulebook on Methodology for Drafting Protection and Rescue Plans (Official Gazette of Montenegro 44/08).

Furthermore, the assessments for danger from floods have been developed in cooperation with UNDP and local administrations for 12 municipalities which were affected by floods in 2010. The development of action plans for protection and rescue from floods is ongoing for municipalities which were affected by floods; this activity will be finished in the second quarter of 2013.

The assessments for danger from floods represent constituent parts of these plans. Mapping of areas affected by floods has been completed under these assessments.

* **The preliminary flood risk assessment requirements (Articles 4 and 5).**

Rulebook on the Methodology and the Criteria for Determining the Endangered Areas and Methodology for the Procedure for Classification of Flood Risk Areas on the basis of Article 97 of the Law on Water (Official Gazette of Montenegro 27-07) of 17 May 2007.

Rulebook is in Draft form. Rulebook provides preliminary flood risk assessment, and Water Directorate is responsible for this assessment.

**Preventive measures** regarding protection from floods are prepared and implemented by the Ministry of Agriculture and Rural Development and Water Directorate, on the grounds of the Law on Water and General Plan for protection from adverse effects of water for water areas which are important for Montenegro, along with Operational Plans for protection from adverse effects of water. Preventive measures include: regulation of watercourse, building protection structures (dams), cleaning and deepening of watercourses, maintenance and repair of damaged parts of protection structures, observation and reconnaissance of the state of watercourses and high dams etc.

Apart from preventive measures, the Ministry of Agriculture and Rural Development and Water Directorate are in charge of elimination of consequences of adverse effects of water in water areas important for Montenegro, which is performed on the grounds of recovery programme and in compliance with Water Management Plan. Elimination of consequences includes recovery of watercourses and water facilities, removal of things and materials which can affect the water regime, provision of drinking water supply etc.

The Ministry of the Interior – the Sector for Emergency Situations and Civil Security is in charge of implementation of **operational measures for protection and rescue.**

* **The mapping requirements (Article 6).**

On the basis of Article 96 of the Law on Water, the Ministry of Agriculture and Rural Development is in charge of production of flood risk maps for all the water bodies of national significance (RBDs, lakes, etc.), which are identified in accordance with the Decision - Official Gazette of Montenegro 9/2008, 28/2009 and 31/2009, Article 1

Local authorities shall prepare maps for waters of local importance.

The maps produced shall be integrated in the national spatial plan, which is in the competence of Ministry of Sustainable Development and Tourism, and cadastre of immovable property which is under responsibility of Ministry of Finance.

* **The flood risk management plans (Article 7).**

Flood risk management for danger of flood to a certain extent is managed by the Headquarters for Protection Against Adverse Effects of Water, in accordance with the General Plan for Protection from Adverse Effects of Water (General Plan for Protection from Adverse Effects of Waters Important for Montenegro (Official Gazette of Montenegro 67/10 of 24 November 2010, and General Plans for Protection from Adverse Effects of Waters of Local Importance), which are adopted for a period of 6 years, on the basis of Article 100 of the Law on Water .

Measures are defined by the General Plan for Protection from Adverse Effects of Waters Important for Montenegro General (Official Gazette of Montenegro 67/10 of 24 November 2010, Chapter I). General Plan was adopted by the Government upon the proposal of Ministry of Agriculture and Water Directorate, while the local governments adopted plans for local waters.

The following has been defined by Chapter II of the General Plan:

Protection from adverse effects of water, including activities and measures to be taken **preventively** (regular protection from adverse effects of water) **during the period of encountering high water** (emergency protection from adverse effects of water) and **remediation of adverse effects of water.**

* **Coordination with the Water Framework Directive.**

Law on Water, Article 25 defines the obligation of creating Water Management Plan for a water district which will include principles of establishment of a water management information system for a river basin.

There is ongoing Project “Regional Initiatives of Western Balkans for Management of Flood and Drought in the Basin of River Drina”

* **Public consultation on the flood risk management plans.**

The participation of the public shall be ensured during the procedure of adoption of Plans for Protection from Floods, in accordance with the Decree on Manner of Conducting the Public Debate (Official Gazette of Montenegro 22/08 and 42/11).