



"Legal Aspects of Flood Risk Management & EU Directive Transposition"

20th of May 2025

Improved Implementation of the EU Floods Directive through Harmonization of National Legislation and Preparation of Flood Risk Management Plans

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Project implemented by:





EU Floods Directive 2007/60/ECK: Basic requirements

Preliminary Flood Risk Assessment (PFRA – Article 4)

Assessment of past floods, potential risks, topography, land use and climate trends for each river basin or separate management unit

Identification of Areas of Potentially Significant Flood Risk (APFR) – Article 5

Based on the findings of the APFR, coordination is required in international/shared river basins.

Flood Hazard Maps and Flood Risk Maps (FHRMs) – Article 6

FHRMs should have developed at least three scenarios and be produced no later than 22 December 2013 for EU Member States.

Flood Risk Management Plans (FRMPs) – Article 7

For each river basin or management unit, which should contain objectives, a set of measures for all identified risks and the avoidance of damage downstream

Coordination, solidarity and access to information – Articles 8-10

Joint cross-border planning in accordance with the WFD, public participation in assessment, planning and access to information



Legal framework and degree of compliance

- Flood risk management in North Macedonia is regulated **through multiple sectoral laws**, without the existence of a unified legal framework aligned with Directive 2007/60/EC.
- **Law on Waters (Articles 122–129)** refers to flood protection, but does not define key terms, nor does it introduce a structured risk-based approach, as required by the Directive.
- There is no **legal obligation to prepare a** Preliminary Flood Risk Assessment (PFRA), designation of Areas of Potentially Significant Flood Risk (ASPF), map flood hazards and risk or prepare Flood Risk Management Plans (FRMPs).
- **There are no bylaws** implementing flood-related provisions in a manner that is aligned with the Directive.



Other laws

Other relevant laws:

- Law on Protection and Rescue
- Crisis Management Law
- Law on Spatial and Urban Planning
- Law on Local Self-Government
- Law on Hydrometeorological Activities
- Law on Environment

Flood-related provisions **are fragmented and lack coordination mechanisms**



Compliance status

- The preliminary assessment shows a low level of compliance of domestic legislation (primarily the Law on Waters) with the Floods Directive.
- Article 3 on the determination of competent authorities, although harmonized (MoEPP), still does not provide clear competence of the relevant institutions.
- Only two provisions are partially aligned (Articles 9 – 10).
- Articles 11–18 of the Directive are not relevant for transposition as they contain procedural, transitional or final provisions at EU level, which do not require implementation in national law.



The most significant legal shortcomings

- There is no clearly established administrative structure.
- Lack of **legal definitions** for "flood" and "flood risk" in the Law on waters
- There is no **integrated protection system** from floods, although the law seeks to make flood protection an integral part of River Basin Management Plans
- There is no legal obligation to conduct a Preliminary Flood Risk Assessment (PFRA) or define Areas of Potentially Significant Flood Risk (ASFR).
- No mandatory methodology for flood hazard/risk maps
- Flood Risk Management Plans (FRMPs) are not defined or mandated by law.
- No solidarity clause (prohibition of risk transfer)
- There is no structured coordination for planning in international river basins.



Administrative setup

- There is no clearly designated competent authority (MoEPP)
- Article 123 of the Law on Waters – provides for a decentralized arrangement in flood protection
 - Municipalities have **primary jurisdiction** for protection and defense against floods and protection against other harmful effects of waters in urban areas
 - Water management companies are responsible for the areas they control.
 - The MoEPP monitors the coordination of water management companies and determines which water management company will be responsible for those areas that do not fall within the areas controlled by the water management companies.



Use of concepts and planning

- The Law does not recognize the term Flood Management but rather places the emphasis on flood protection and defense - "for protection and defense against floods and for protection against other harmful effects of waters"
- Distinguishes between "urban areas" and "areas of operation" of water management companies
- **The program for protection against harmful effects of waters** is prepared by the MoEPP in cooperation with the MoAFWE as an integral part of the River Basin Management Plans (Article 124) based on:
 - The programs for protection against harmful effects of the municipalities, the municipalities in the city of Skopje and the city of Skopje
 - The Programs of Water Management Companies



Competence of the institutions

| Institutions | Legal role (based on the Law on Waters and other laws) | Comment |
|--|--|--|
| Ministry of Environment and Physical planning | Responsible for water policy, planning and programs (Art. 123–129) | Competent authority by function; should be formally appointed |
| WD – Water Sector | Implements legislation under the jurisdiction of the MoEPP | Provides support with data, monitoring, implementation |
| Administration for hydrometeorological services (UHMR) | National provider of hydro-meteorological data (Article 128) | No significant function in the policy-making process |
| Directorate for protection and rescue (DZS) | Civil Protection, responsible for emergencies | There is no legal mandate for risk assessment or planning. |
| Crisis Management Center (CUK) | Manages at the national level in cases of crisis | There is no legal connection with the instruments of the Directive |
| Municipalities | Prepares operational plans in accordance with Art. 126 | Not related to the PPRP or PURP cycle |



Institutional fragmentation

| Institution | Legal role | Overlapping or fragmented responsibility |
|--|---|---|
| Ministry of Environment and Physical Planning | Responsible for water management and planning according to the Water Law | Has a role in planning, but is not legally responsible for emergency measures or protection and rescue |
| CUK | Coordinates risk/crisis management according to the Law on Crisis Management | Not part of the flood risk management cycle as required by the Directive; operates under emergency logic |
| State Statistical Office | Implements protection and rescue measures according to the Protection and Rescue Law | Parallel risk assessments not linked to the planning framework under the Water Law |
| UHMR | Provides hydro-meteorological data; early warning | There is no legal mandate to provide data in accordance with the Directive (e.g. climate projections) for the PPRD (PFRA) or flood maps |
| Municipalities | Prepare local programs and responses for flood protection (Art. 126 of the Law on Flood Protection) | They operate without standards aligned with the Directive; there is a lack of coordination with the obligations of the MoEPP at the basin level |
| Water management companies | Maintain and manage water infrastructure | They do not have a clear role in flood planning and management. |



Challenges and opportunities in harmonizing legislation

Challenges:

- Lack of a harmonised framework for implementing the Directive cycle (assessment → maps → flood risk management plans).
- Institutional competences are sectoral and non-integrated.
- Inconsistent or absent legal definitions.
- Water management is not coordinated with protection and rescue, nor with spatial planning.

Opportunities:

- Amendment to the Water Law to introduce obligations for the preparation of flood risk management plans, mapping and assessments.
- Exploiting complementary institutional competencies through legal coordination protocols.
- Standardization and incorporation of existing data and tools through legal regulation.
- Development of bylaws and acts for clarification of methodologies and content of documents
- Negotiations on Chapter 27 – negotiating position



Negotiations with the EU – Chapter 27

- Main pillars of the negotiations:
 - Harmonization of legislation / Legislative alignment
 - Administrative capacities
 - Implementation (not yet approved) transitional periods (TP) - Montenegro has requested a TP until December 2024)
- During the negotiation process, a **Floods Directive implementation plan** for the establishment of the administration with appropriate coordination mechanisms, should be submitted.



Negotiating position

What has been achieved in terms of:

- Taking into account all types of floods that are relevant to the country now and until 2050 when managing floods
- Taking climate change into account when implementing the Directive.
- Establishment of administrative arrangements – identification of a competent authority (Article 3)
- Preliminary Flood Risk Assessment – (PFRA) and identification of areas with potentially significant flood risk (PPZRP- requirements of the APSFR (article 4-5).
- Flood Hazard and Risk Mapping - Requirements of (MOPR) (FHRM)(Article 6).
- Flood Risk Management Plans – (FRM) (FRMP)(Article 7), in particular setting targets and measuring progress towards their achievement, as well as identifying measures and their sources of funding
- Coordination with the Water Framework Directive
- Public consultations forPFRA/APSFR, FHRM and FRMP and access to information to the public



Conclusion

- North Macedonia **has not yet transposed nor implemented** the key requirements of the Floods Directive.
- The current legal and institutional set-up is **fragmented**, with limited integration of **climate change, the public, and the planning tools** of the EU for floods.
- **Legislative amendments are needed** – especially in the Law on Waters – with the aim of establishing **clear responsibilities, assessment cycle and legal obligations for risk mapping and management** in accordance with the Directive and Chapter 27.



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