

A brief legal and technical perspective on the destruction of virgin forests in Romania

Dr. Mihail Hanzu

Independent judiciary expert



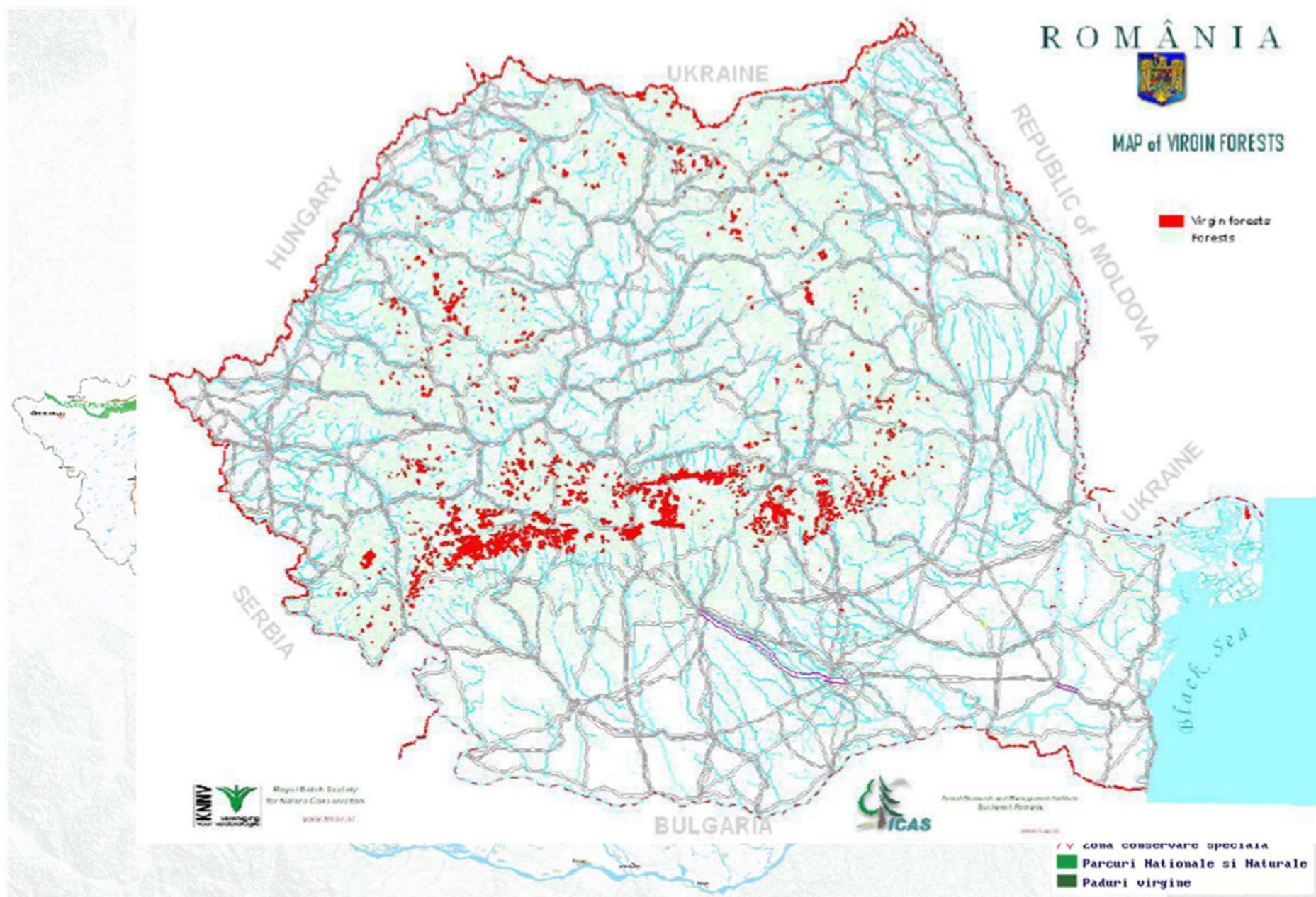
Recent evolution of the area officially occupied by the virgin forests in Romania

- In year 1999 the National Strategy for Sustainable Development mentioned more than 400 000 ha
- In 2004 Pin MATRA study mentioned 220 000 ha (criteria)
-no real study done for 15 years, period in which intensive logging of these forests took place
- In dec 2019, minister of environment said to press that there are less than 100 000 ha

In 2020, officially recognized and „protected”, only 6665 ha of virgin forests

- All this happened despite the official „protection” which started in 2008

Virgin forests area





Development of the legal frame for the „protection” of the virgin forests in Romania

Technical norms are allowing
CONSERVATION CUTTINGS!!! Sic!
No upper limit in percentage harvested!!!

Forest Law 46/2008
states that virgin forests
are protected
Art. 26 (3)

M.O. 1672/2000 - Forest Management Planning Normative
(allows “Conservation cuttings”)

Type I (TI) forests with special functions for the nature
conservation, for which, by law, is forbidden any timber
exploitation or other products, **without the approval of
the competent authority stipulated in the law.**

**Technical Norms from 2018 new management plan if
allowable cut is cut earlyer than it was planned!!!**

M.O. 1649/ 2000 in Chapter 6 “Management of the stands
with special protection functions”

“will be executed only sanitary and, if needed,
special **conservation works**”

M.O. 1650/ 2000 Forest choosing and implementation
cutting normative

in exceptional situations, **when timber harvesting on these
areas has to take place**, as result of researches...

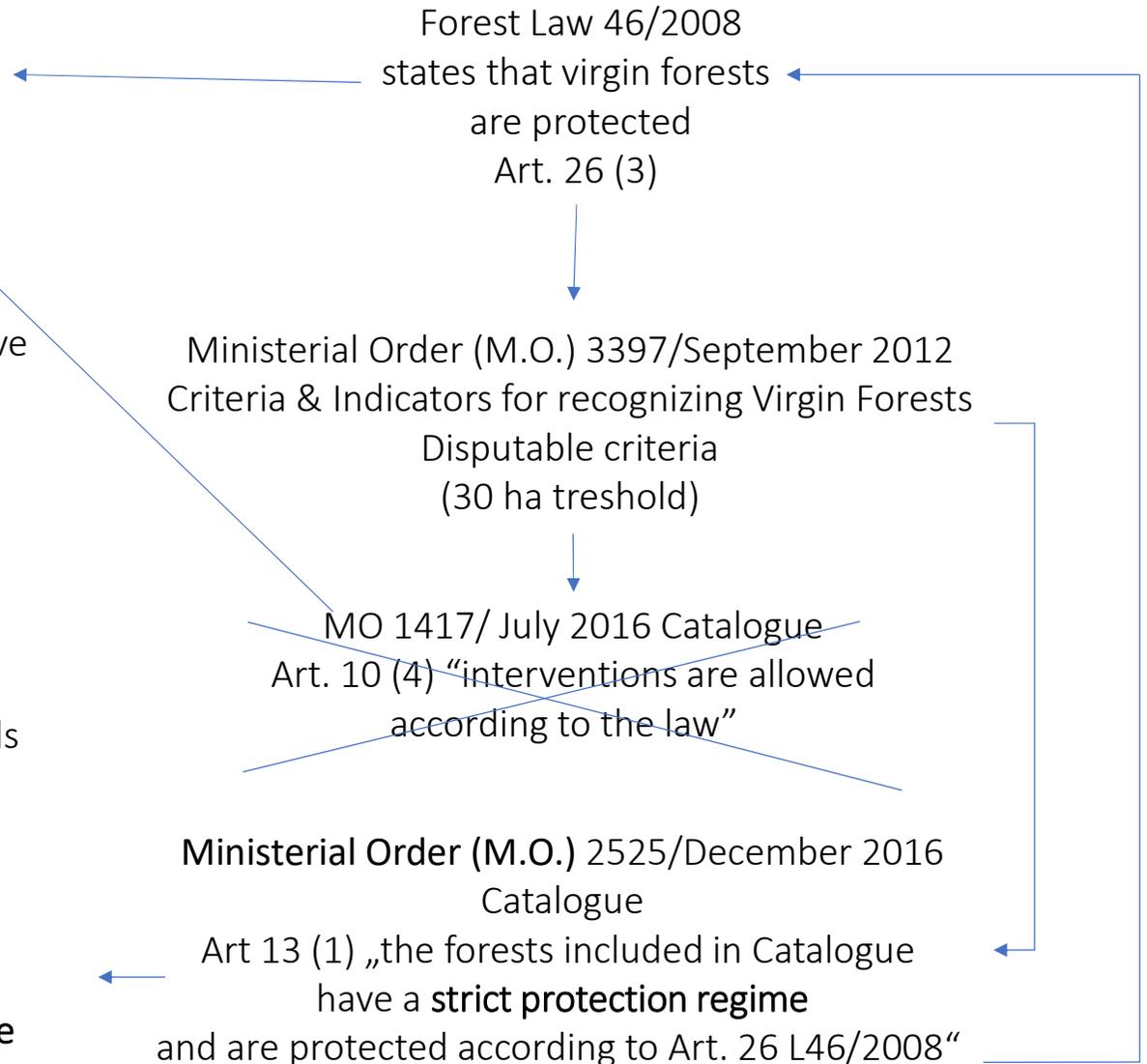
Ministerial Order (M.O.) 3397/September 2012
Criteria & Indicators for recognizing Virgin Forests

Disputable criteria
(30 ha treshold)

~~MO 1417/ July 2016 Catalogue
Art. 10 (4) “interventions are allowed
according to the law”~~

Ministerial Order (M.O.) 2525/December 2016
Catalogue

Art 13 (1) „the forests included in Catalogue
have a **strict protection regime**
and are protected according to Art. 26 L46/2008”



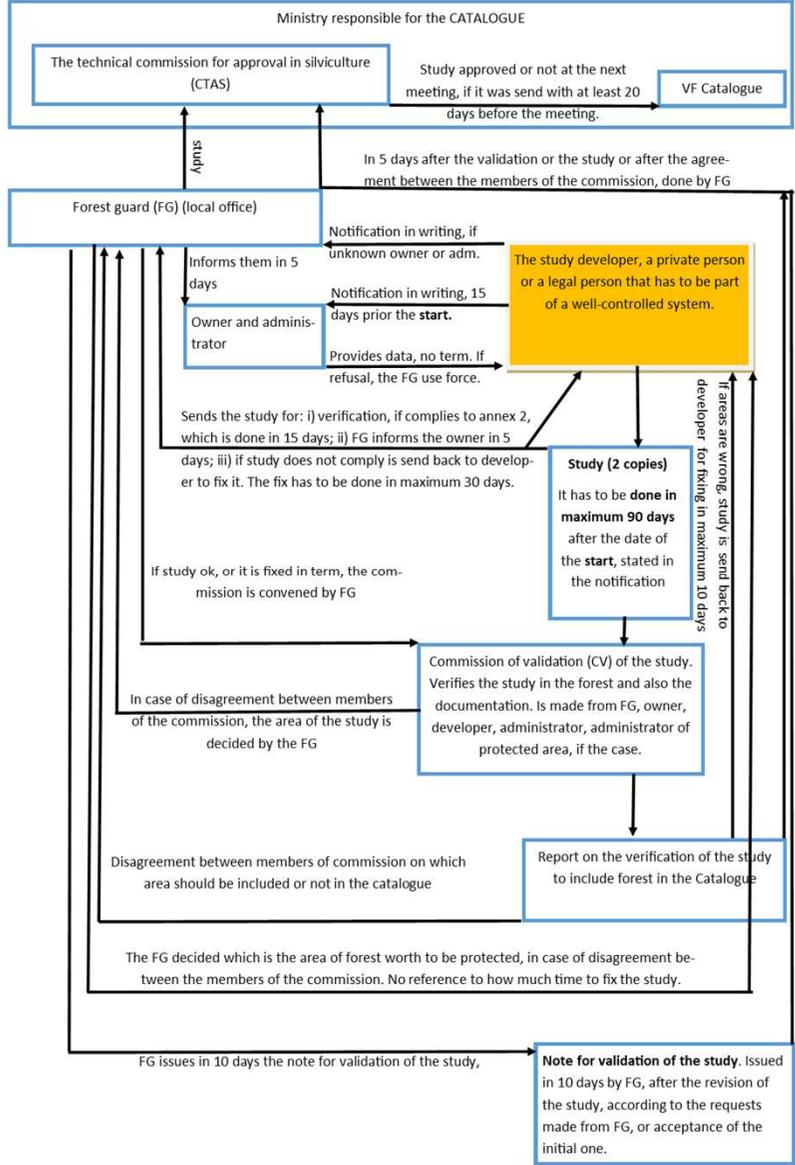
“Conservation cuttings are interventions needed in order to maintain or improve the sanitary state of the forests, to ensure continuous cover of the forest and to improve continuously the fulfillment by the stands of the given functions.”
“The upper limit of timber extractions can not be defined”



The catalogue for „protecting” virgin forests.

Does not work, because:

1. Criteria & Indicators (C&I) are unscientific, based on unreasonable criteria (30 ha treshold, only one development phase of the forest is described as virgin forest, analisys done at forest compartment level)
2. The study for inclusion in the catalogue can be produced only by a closed group of people, not necessarily with scientific background.
3. The process itself is not functional and all the decission is based on arbitrary decission of the Forest Guard inspectors. Virgin forests have scientific importance, but decision is held by a closed group of people with non-scientific background.





Which are some **drivers** for logging virgin forests?

1. **Under-estimation** of the timber volume by the forest management plans
2. **No distinct punishment** for logging in virgin forests
3. **Better timber quality** found in virgin forests (resonance wood)
4. The **desire „to close”** the subject, even if no complete scientific study was ever done
5. The **20 mil** cubic meters of timber/year are **illegally** harvested and processed
6. **„Protection”** implies **no planned harvests**, instead of **no harvests at all**
7. **No frame** for the **study and protection** of virgin forests (no institute no EU network)
8. Analysis is done at **forest compartment level** not at forest level
9. Legislation seems to find **reasons to log** the forest not to protect it
10. In fact, all the **decision power** is held by one **non-scientific** actor, the Forest guard.



Q: How is the timber cut in virgin forests „washed“?

A: By using a truncated definition for „legal timber“ in the national legislation

Regulation (EU) No 995/2010 at art. 2 and art. 4 defines the **legally harvested timber based on all applicable legislation, including the environment laws and nature protection laws.**

Government decision (HG) no 470/2016 at art. 6 **considers only the economic aspect. Therefore, if for a logging site a logging authorization and a document that estimates the timber volume do exist, issued by the foresters managing the forest, the logging is legal!**

This makes in Romanian national legislation that illegal timber is considered only the stolen timber, not the one obtained without disrespect to any other law or regulation. This **state legislation is obscuring the direct effect of the Regulation** exactly in the area of nature protection such as Natura 2000 sites.



Q: How are 20 000 000 cubic meters of illegal timber „legalized”?

A1: By using an exception for the definition of timber products in national legislation

Government decision (HG) no 470/2016 at chapter II art. 7 states **that, once the timber is chipped or glued it is not timber anymore. It is just a merchandise.**

A2: By using a procedure, to „legalize” the timber products in the situation that at the customs timber products with uncertain provenance are found

Government decision (HG) no 470/2016 at chapter II art. 15 states that if timber arriving in customs is chipped or glued it is exempted to be considered timber products by HG no. 470/2016, overriding Regulation (EU) No 995/2010.

If Forest guard confirms this, legal documents are issued by the customs.

In December 2019, the customs at Black Sea port of Constanța found wood from one single company worth 800 000 euro with inconsistent export documents.





Thank you.

