

CONTROLLED WOOD RISK ASSESSMENT

ROMANIA

Last revision: 14.08. 2012

Version: 1-0

Background:

As a result of FSC General Assembly from Kota Kinabalu (Malaysia) in 2011, Motion 51 was approved, which stipulates that, beginning with the year 2013, after a transition period, companies shall not be able to use their own risk assessment in order to purchase controlled wood.

At present there is no recognised FSC Network Partner in Romania, but at the same time, WWF Danube Carpathian Programme Romania recognises the importance for companies claiming controlled wood to have a CWRA developed and approved for Romania.

In this regard, WWF Danube Carpathian Programme Romania with the approval and under the coordination of FSC International, is conducting the process of developing Controlled Wood Risk Assessment for Romania.

The process will conform in its entirety to the formal procedures established by FSC International, "*The Development and Approval of Controlled Wood Risk Assessments, FSC-PRO-60-002 (V3-0)*." WWF Danube Carpathian Programme staff will be responsible for submitting the necessary materials to FSC International as required. The process started in May 2012 and will be completed in September 2012 when it will be submitted to FSC International for final approval.

The first workshop was held on 19th May 2012, with a desktop research done by the members of Working Group, split in three chambers.

The second workshop was in June 2012, with 35 stakeholders. This workshop, based on the desktop research from previous meeting, resulted in this V1-0 of Controlled Wood Risk Assessment for Romania.

The risk assessment identified "low risk" or "unspecified risk" at national level for the five Controlled Wood risk categories as follows:

- 1) illegally harvested wood: UNSPECIFIED
- 2) wood harvested in violation of traditional or civil rights: LOW RISK
- 3) wood harvested from forests in which high conservation values are threatened by management activities: UNSPECIFIED
- 4) wood harvested from areas being converted from forests and other wooded ecosystems to plantations or non-forest uses: LOW RISK
- 5) wood from forests in which genetically modified trees are planted: LOW RISK

District of origin

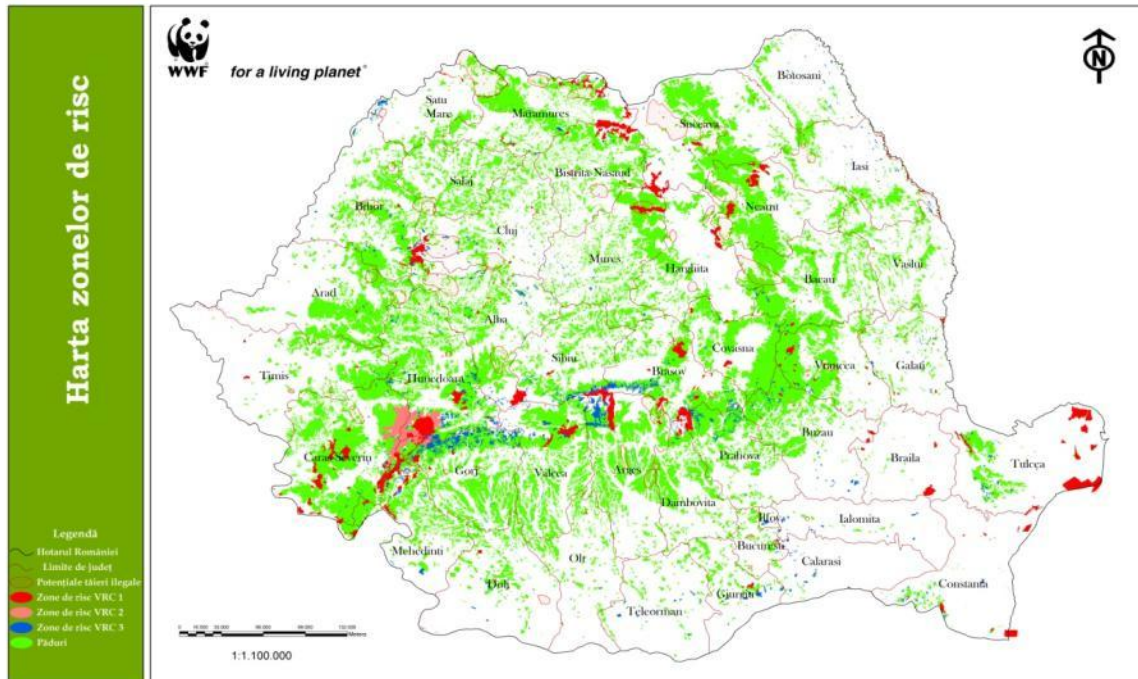
District level:

- Country

A. Illegally Harvested Wood

District: Country level (Romania)

Level of assessment: UNSPECIFIED



Source: WWF DCP

Figure 1. Map of potential threats at national level

Translation of Legend:

- Harta zonelor de risc = Map of potential threats
- Legenda = Legend
- Hotarul Romaniei = Romanian border
- Limite de judet = County borders
- Potentiale taieri ilegale = Potential illegal logging
- Zone de risc VRC 1 = HCVF 1 risk areas
- Zone de risc VRC 2 = HCVF 2 risk areas
- Zone de risc VRC 3 = HCVF 3 risk areas

1. The district of origin may be considered low risk in relation to illegal harvesting when all the following indicators related to forest governance are present:

1.1 Evidence of logging-related legislation enforcement in the district

Comments or justifications for country risk level

There are a set of Laws, Government Decisions and Ministerial Orders which form the legislative and technical support for logging activities.

The governing law for logging activities is Law 46/2008 (Forest Code)

Ministry of Environment Order no. 1540/2011 regarding the logging periods and harvesting technique.

For each logging activity the approval of the Environmental Protection Agency and the Territorial Inspectorate for Forest and Wildlife Management (ITRSV) is also required.

Ministerial Order no. 904/2010 includes legislation for establishing and authorization of private and state FMU's.

Silvicultural Norm 4 (Ministerial Order no. 1565/31.10.2000) gives indications on the assessment of wood volumes.

Sourcing, transport and sale of timber is done through Government Decision no. 996/2008

Penalties in silviculture are mentioned in Law no. 171/2010

OUG 85/2006 – related to the assessment of damages produced in and outside the forest area.

Government Decision no. 1076/2009 regulates the approval of Forest Guarding Rules.

Around 7% (about 400 000 ha) of the forest area in Romania is not administrated and 10% of the forests have no forest management plan.

According to the General Rule of Law Index of the World Bank, the index for Romania, in 2010, was 54:100, which is <75%, but it has shown a constant increasing tendency for the last years.

Level of assessment at country level: UNSPECIFIED

Due the fact that CPI (Corruption Perception Index) for Romania is below 5, the risk for the entire category is considered UNSPECIFIED.

List in which sources of information were used:

Ministry of Environment and Forests - legislation concerning the forests and law enforcement for silviculture and forestry <http://www.mmediu.ro/legislatie/paduri.htm>

World Bank Rule of Law index - <http://info.worldbank.org/governance/wgi/index.asp>

National Forest Administration-Romsilva - forestry legislation (<http://www.rosilva.ro/categorie.php?id=7>)

1.2 There is evidence in the district demonstrating the legality of harvests and wood purchases through robust and effective systems for granting licenses and harvest authorizations

Comments or justifications for country risk level

In Romania, a good system of harvesting control (harvesting license and authorization of forest harvesting) has been in place since 2008. According to Romanian legislation, in order to obtain a harvesting authorization within a forest area, a logging company has to meet the following requirements:

- Ten-year Forest Management Plan, approved by the Forestry Authorities (Law 46/2008 - Forest Code)
- EZh logging activity. (Ministerial Order no. 1298/28.04.2011) Agency for Environment Protection
- Standing wood evaluation document - APV (in Romanian) - registered in the SUMAL National system (On-line Wood tracking System) approved through Minister Order no. 583/15.09.2008

According to Romanian legislation, up to 20 cubic meters can be logged with individual resources. For amounts exceeding this quantity, the logging activities can be done only with logging companies authorized by the Forestry Employers Association of Romania and the Agency for Environmental Protection, with a logging authorization given by the FMU.

Level of assessment at country level: UNSPECIFIED

Due the fact that CPI for Romania is below 5, the risk for entire category is considered UNSPECIFIED.

List in which sources of information were used:

Ministry of Environment and Forests <http://www.mmediu.ro/paduri/paduri.htm>

Ministry of Environment and Forests - Biodiversity legislation
<http://www.mmediu.ro/legislatie/biodiversitate.htm>

National Agency for Environmental Protection <http://www.anpm.ro/legislatie.aspx?id=57>

1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin

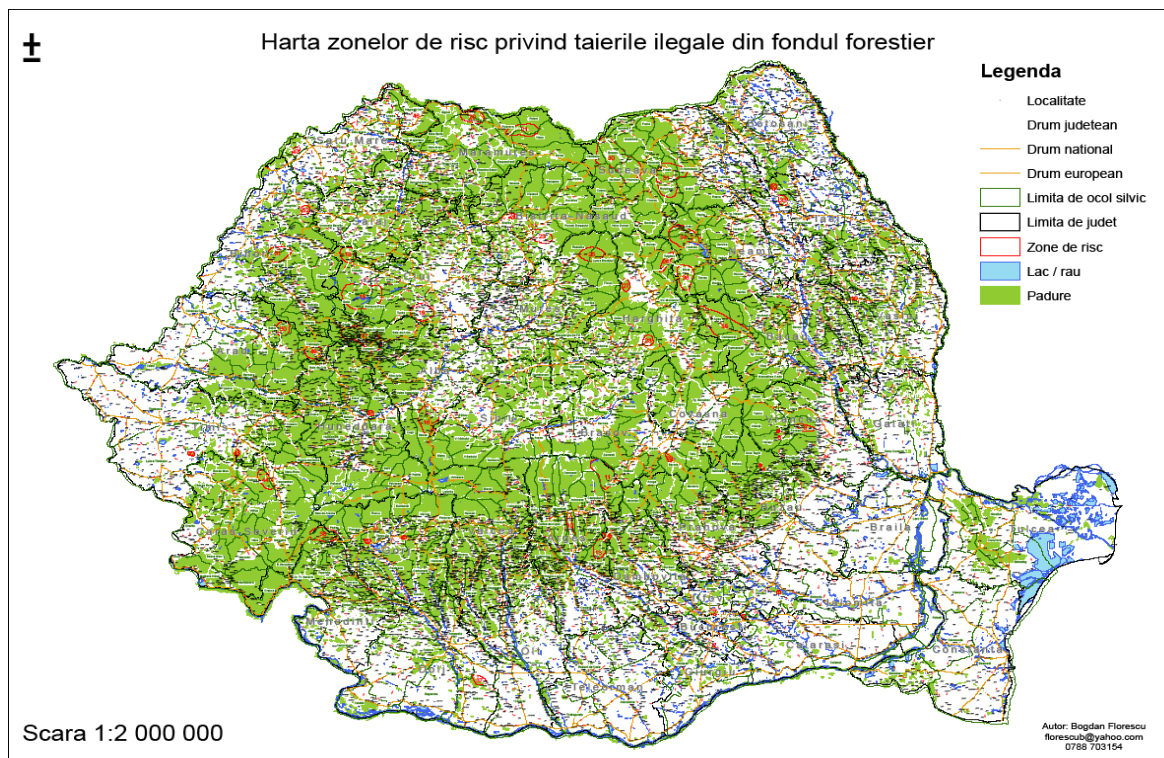
Comments or justifications for country risk level:

Since 2008, SUMAL –“Electronic system at national level for tracking wood” has been implemented in every FMU and company which transports, sells or processes wood. Periodically results of the SUMAL are verified by inspectors from Inspectorates for Forest and Wildlife Management.

According to forest protection and other specific regulations, there are specific activities intended to protect the forest:

- Minimum two inspections in each Canton Silvic (Canton Silvic = forest area in the responsibility of one ranger)
- Inspections in harvesting areas (minimum two in each harvesting place during harvesting activities) patrols
- Checking points on forest and national roads
- Barriers on forest roads in areas with risk of illegal activities..

A study was conducted by the WWF Danube Carpathian Programme and the Forest Information and Certification Center Brasov, together with the Forestry Inspection Directorate from the Ministry of Agriculture and Rural Development, in order to have an official overview about the situation of illegal logging. See below details of this study:



Source: WWF DCP and Association for Forest Certification

Fig. 2 Mapping of the potential risk areas for illegal logging and illegal timber trade in Romania

The areas have been set up during the public consultation/workshop organized in Geoagiu, Hotel Diana 15-17 November 2006, by the WWF Danube Carpathian Programme and the Forest Information and Certification Center Brasov, together with the Forestry Inspection Directorate of the Ministry of Agriculture

and Rural Development. The delimitation of risk areas on maps was made with the support of the forest inspectors of Regional Forest Inspectorates. The activity of risk area identification was part of the Ministry of Agriculture Action Plan for fighting against illegal logging and illegal timber trade.

The following criteria were taken into consideration during the risk area delimitation:

1. 1. Number of private owners with properties smaller than 1,00 ha.
2. 2. Forest property size.
3. 3. Number of complaints and letters addressed to the regional forestry inspectorates claiming illegalities in a certain forest area.
4. 4. The volume of illegally logged wood registered official during the forest inspections.
5. 5. Number of penalties and sanctions applied by the forest inspectors.
6. 6. Number of small size timber and wood sawmills
7. 7. Social problems and poor communities.
8. 8. Illegal or abusive forest restitution of important areas.
9. 9. Political pressure in cases of investigations done by the forestry inspectors
10. 10. Lack of forestry cadastre
11. 11. Non managed forest areas, according with Governmental Decision nr.139

Level of assessment at country level: UNSPECIFIED

Due to the fact that CPI for Romania is below 5, the risk for the entire category is considered UNSPECIFIED.

List in which sources of information were used:

Ministry of Agriculture and Rural Development web-page - Annual Report for 2011
(<http://www.madr.ro/pages/paduri/raport-starea-padurilor-2007.html>)

World Bank Rule of Law index (<http://info.worldbank.org/governance/wgi/index.asp>)

Regional Forestry Inspectorates web pages
(<http://www.madr.ro/pages/page.php?self=02&sub=0201&tz=020108>)

WWF report on illegal logging from 2005
(<http://www.forestconsulting.net/Downloads/Publications/finalromaniaillegallogging.pdf>)

<http://www.suceava.regimsilvic.eu/>

1.4 There is low perception of corruption related to granting or issuing of harvesting authorizations and to other areas of the legislation related to wood harvesting and trade.

Comentarii sau justificari privind gradul de risc

According to the Corruption Perception Index, Romania has a rate of 3.6 for 2011. Because the index is under 5, the criterion 1.4 and entire category 1 are considered "unspecified risk" .

Level of assessment at county level: UNSPECIFIED

List in which sources of information were used:

Transparency International
http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

Official site of Ministry of Agriculture and Rural Development
<http://www.madr.ro/pages/page.php?self=02&sub=0206>

Summary of findings for Illegally Harvested Wood (A)

According to FSC directive (FSC-DIR-40-005) „illegal logging” 1.4 category can be considered low risk only if the Corruption Perception Index (CPI) for the given country is equal to or above 5. According to the latest (2011) evaluation results from Transparency International, the CPI for Romania is below 5. The indicator 1.4 is thus considered as unspecified risk, which results in **the whole category 1 having "unspecified risk" status.**

B. Wood harvested in violation of traditional and civil rights

District: Country level (Romania)

Level of assessment: Low

2. The district of origin may be considered low risk in relation to the violation of traditional, civil and collective rights when all the following indicators are present:

2.1 There is no UN Security Council ban on the timber export of the country concerned;

Comments or justifications for county risk level

here is no UN Security Council export ban in Romania, according to United Nations and Global Witness sites.

Level of assessment at country level: Low

List in which sources of information were used:

Global Witness (<http://www.globalwitness.org/pages/en/forests.html>)

2.2 The country or district is not designated a source of conflict timber (E.g. USAID Type1 conflict timber)

Comments or justifications for country risk level:

Romania is not a source of conflict timber and it has never been considered a source of conflict timber.

Romania ratified on Dec 17, 2009 the Agreement to the International Tropical Timber Agreement adopted on 27 January 17, 2006 in Geneva by the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement of 1994.

Level of assessment at country level: Low

List in which sources of information were used:

Conflict Timber: Dimensions of the Problem in Asia and Africa. Volume I. Synthesis report. June 2003, available at: www.usaid.gov/hum_response/oti/pubs/vol1synth.pdf

2.3 There is no evidence of child labor or violation of ILO Fundamental Principles and Rights at work taking place in forest areas in the district concerned

Comments or justifications for county risk level

According to Romanian Constitution, all citizens have equal rights to work with no discrimination on gender, political and religious views and nationality. Women and men have equal rights to work and to be part of Labor Unions and to benefit from social rights.

Romania has ratified all ILO Conventions concerning the child labor and ILO Fundamental Principles. National legislation concerning the ratification of ILO Convention 182/199 - regarding the Child Labor and different forms of child labor - ratified through Law 203/ 2000 - 15.11.2000 concerning child labor. Romania is not mentioned in IPEC database as a country with problems in child labor.

According to national legislation for Health and Safety, in the silvicultural branch, the minimum age for working in the logging sector is 18 years, and for working in a tree nursery is 16. .

Labor legislation in Romania complies with ILO convention requirements: ord. 727/1991- H&S regulations; O.U. 59/2000 Statute of forestry employees; Labor Code – Law 53/2003.

Level of assessment at country level: Low

List in which sources of information were used:

Romanian Constitution

Global Child Labor developments: Measuring Child labor trends 2004-2008
(<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=13313>)

2.4 There are recognized and equitable processes in place to solve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned

Comments or justifications for county risk level

There is no evidence of conflicts concerning the traditional or cultural rights and land use of local communities. According to the Ministry of Environment and Forests there are 1582 local communities (associations of forest owners) possessing a total amount of 526042 ha of forests, after the restitution process in 2002-2005. These forest areas are managed only by authorized FMU (state or private) according with Gov. Order 139/2007.

Romania ratified The World Cultural and Natural Heritage Convention (UNESCO, Paris, 16 November 1872) by Decree 187/1990.

There are no conflicts related to traditional and cultural rights in the district. There are registered conflicts related only to private property (restitution process) of local communities, situation which is also covered by the Romanian legislation.

The implementation of restitution laws (Law 18/ 1991; Law 1/2000 and Law 247/2005) sometimes led to unavoidable disputes. The number of disputes related to the first two laws has significantly decreased, while the implementation of Law 247 may lead to some other actions into Court when the restitution right is not clearly provided. Although the number of such actions may be smaller, the areas concerned may be larger (e.g. situation of the Romanian Orthodox Church Forest Fund)

Law 247/2005 stipulates the restitution of all properties towards their former owners. The law includes mechanisms to solve potential disputes. Currently, the law is under implementation.

Level of assessment at country level: Low

List in which sources of information were used:

Romanian Constitution

Minister of Environment and Forests - forest restitution data's for 2008
http://www.mmediu.ro/paduri/management_forestier.htm

2.5 There is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned

Comments or justifications for county risk level

Not applicable for Romania

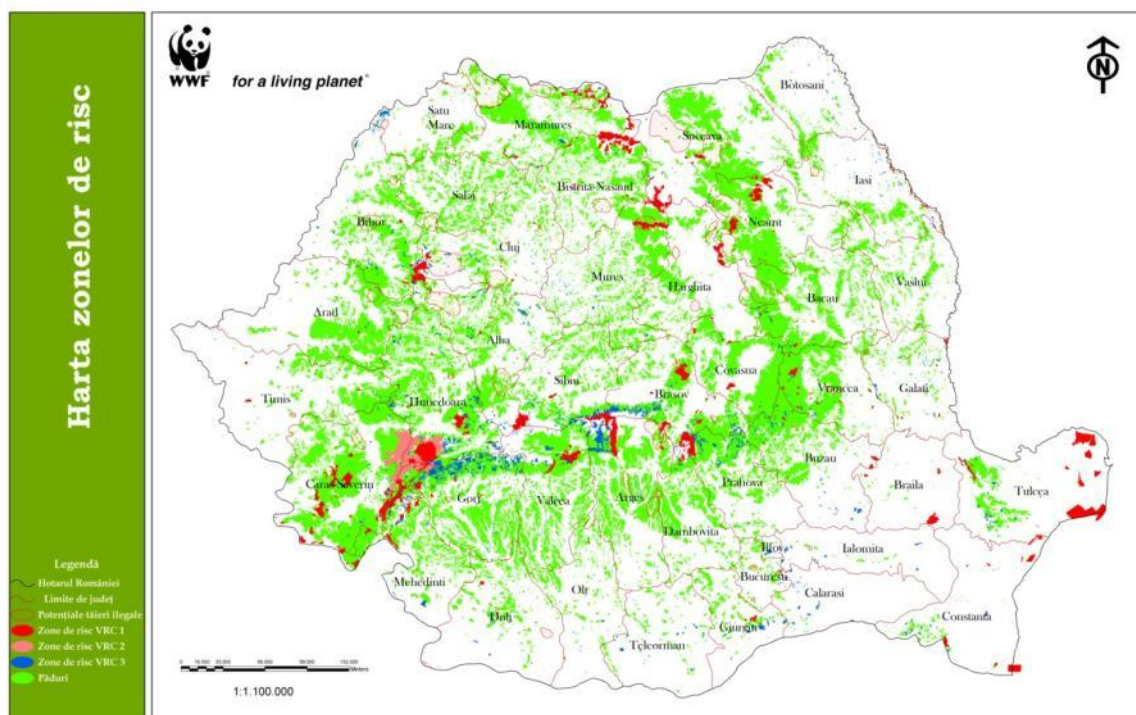
Level of assessment at country level: N/A

List in which sources of information were used: N/A

C. Wood harvested from forests in which high conservation values are threatened by management activities

District: Country level (Romania)

Nivel de evaluare: NESPECIFICAT



Source: WWF DCP

Figure 3. Map of HCVF at national level for 1,2 and 3 category

Translation:

Harta zonelor de risc = Map of potential threats

Legenda = Legend

Hotarul Romaniei = Romanian border

Limite de judet = County borders

Potentiale taieri ilegale = Potential illegal logging

Zone de risc VRC 1 = HCVF 1 areas

Zone de risc VRC 2 = HCVF 2 areas

Zone de risc VRC 3 = HCVF 3 areas

3. The district of origin may be considered low risk in relation to threats to high conservation values if:

a) indicator 3.1 is met; or

b) indicator 3.2 eliminates (or greatly mitigates) the threat posed to the district of origin by non-compliance with 3.1.

3.1 Forest management activities at relevant level (eco-region, sub-eco-region, local) do not threaten eco-regionally significant high conservation values.

Comments or justifications for county risk level

Romania has on its territory important biodiversity values and threatened or endangered forest ecosystems. According to www.worldwildlife.org the following eco-regions are to be found on Romania's territory:

Eco-region - PA 0504 - Carpathian Mountain Forests,

PA 0404 - Balkan Mixed Forests,

PA 0412 - Central European Mixed Forests,

PA 0419 - East European Forest Steppe.

Romania lies in the geographic centre of Europe and includes five of the ten bio-geographic regions (BGR) officially recognized by the EU: alpine, continental, panonic, pontic (euxinic), and steppe.

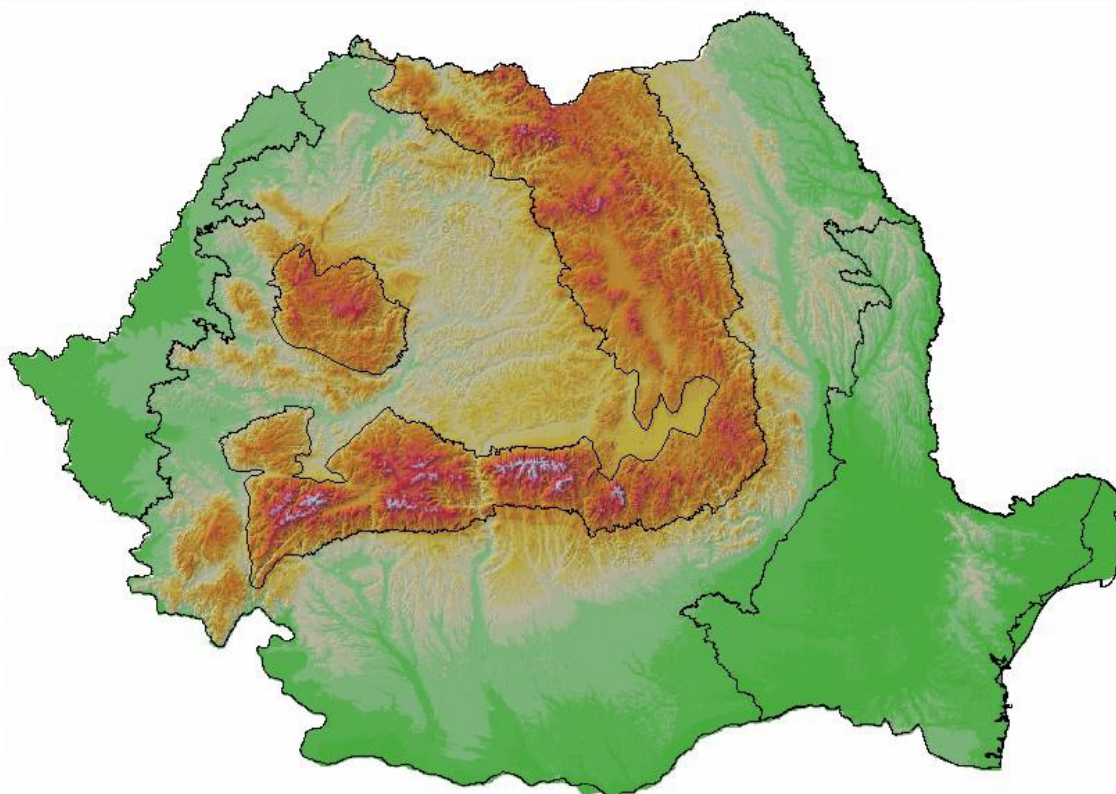


Figure 4. Map of bio-geographic regions

The Alpine bioregion (54,213.68 km²) includes 33 habitat types of EU importance (3,110.6 km²); the Continental bioregion (127,810.84 km²) includes 38 habitat types (3,247.86 km²); the Pannonic bioregion (14,345.84 km²) includes 16 habitat types (1,028.95 km²); the Pontic bioregion (1,798.58 km²) includes 23 habitat types (603.84 km²); the Steppic bioregion (40,147.65 km²) includes 18 habitat types (1,168.97 km²).

In Romania, GreenPeace and the Romanian Research and Forest Management Planning Institute identified one Intact Forest Landscape covering the Retezat National Park in Hunedoara county and Valea Cernei-Domogled National Park, in Caras-Severin county.

According to WWF Global 200 Ecoregions, Romania is part of the Carpathian montane conifer forests (PA0504), which includes the Czech Republic, Poland, Romania, Slovakia, and Ukraine. The size of the eco-region is 125,000 square kilometers and in Romania the area is included in Retezat National Park and Valea Cernei Domogled National Park.

According to a study conducted by the Romanian Research and Management Planning Institute, in Romania there are around 300,000 hectares of old growth forests which are included in Protected Areas.

Level of assessment at country level: UNSPECIFIED

List in which sources of information were used:

Eco-region definition and information: <http://www.worldwildlife.org/science/ecoregions.cfm>

Map of potential High Risk Areas for illegal logging and HCVF in Romania developed by WWF DCPO
<http://www.certificareforestiera.ro/poze/Harta%20zone%20de%20risc%20si%20PVRRC%20Romania.jpg>

Ministry of Environment http://www.mmediu.ro/protectia_naturii/protectia_naturii.htm

Intact Forest Landscape <http://www.intactforests.org/data.ifl.html>

GreenPeace study - Roadmap to recovery

<http://www.intactforests.org/pdf.publications/Greenpeace.World.IFL.2006.pdf>

WWF Global 200 Eco-regions

http://wwf.panda.org/about_our_earth/ecoregions/europeanmed_montane_forests.cfm

3.2 A strong system of protection (effective protected areas and legislation) is in place, to ensure the survival of the HCVs in the ecoregion.

Comments or justifications for county risk level

Romania has a good network of protected areas covering 5,2% of its territory and 15% of the forests. There are 13 National Parks, 13 Natural Parks, 3 biosphere reserves, 617 nature reserves, 234 nature monuments and 55 scientific reserves. In 2007, an area of 13% of the Romanian territory was designated as part of EU Natura 2000 network of protected areas, according to the Habitat and Bird Directives. Harvesting in core areas or sustainable development zones within protected areas is only done with the approval of the Protected Area management team and of the Agency for Environment Protection (Minister order 1798/2007).

In 2006, WWF DCP Romania created a map of HCVF's, categories 1,2 and 3 (see above, sub-category 2.1). It includes core areas of Natural and National Parks, and the Intact Forest Landscape identified by Greenpeace.

A guide for HCVF identification was developed by WWF DCP Romania in 2012 ("Toolkit for HCVF Identification") which also includes management measures.

All core areas in Natural and National Parks are protected through legislation and no logging activities are allowed.

According to a study conducted by the Romanian Research and Management Planning Institute, in Romania there are around 300,000 hectares of old growth forests which are included in Protected Areas.

Level of assessment at country level: UNSPECIFIED

List in which sources of information were used:

European Protected Forest Areas http://bfw.ac.at/020/profor/pdf/country/coste27_Romania.pdf

Convention on Biological Diversity Report for Romania [Convention on Biological Diversity Report for Romania] <https://www.cbd.int/doc/world/ro/ro-nr-03-en.doc>

FSC National Initiative Romania www.certificareforestiera.ro

Association for Forest Certification http://certificareforestiera.ro/pag/harta_risc.htm

Ministry of Environment http://www.mmediu.ro/protectia_naturii/protectia_naturii.htm

Natura 2000 Coalition-Map of National and Natural Parks

<http://www.natura2000.ro/resurse/harta/parcuri/>

Natura 2000 Coalition-Map of Natura 2000 sites <http://www.natura2000.ro/resurse/harta/arii/>

Intact Forest Landscape <http://www.intactforests.org/data.ifl.html>

GreenPeace study- Roadmap to recovery

<http://www.intactforests.org/pdf.publications/Greenpeace.World.IFL.2006.pdf>

Ecoregiuni WWF Global 200

http://wwf.panda.org/about_our_earth/ecoregions/europeanmed_montane_forests.cfm

D. Wood harvested from areas being converted from forests and other wooded ecosystems to plantations or non-forest uses

District: Country level (Romania)

Level of assessment: Low

4. The district of origin may be considered low risk in relation to conversion of forest to plantations or non-forest uses when the following indicator is present

[Nota: the change from plantations to other land uses is not considered as conversion]

4.1 . There is no net loss AND no significant rate of loss (> 0.5% per year) of natural forests and other naturally wooded ecosystems such as savannahs at the level of the eco-region in question

Comments or justifications for county risk level

According to FAO report for 2009 (State of the World Forests) the forest area annual net increase was 0,0% in Romania.

In Romania the management of all forests (public or private) is done according to the Forest Code (Law 46/2008)

The Forest Code contains a series of decisions regarding the conservation and increase of biodiversity in forests through their functional zones, by promoting species from natural types of forests in forest regeneration.

Level of assessment at country level: Low

List in which sources of information were used:

State of The World Forests Report for 2009, FAO,(Food and Agriculture report of the United Nations)

<http://www.fao.org/docrep/011/i0350e/i0350e00.htm>

Forest Code (Law 46/2008) <http://www.maap.ro/pages/l52/248.pdf>

E. Wood from forests in which genetically modified trees are planted

District: Country level (Romania)

Level of assessment: Low

5. The district of origin may be considered low risk in relation to wood from genetically modified trees when one of the following indicators is complied with:

- a. There is no commercial use of genetically modified trees of the species concerned taking place in the country or district concerned. OR
- b. Licenses are required for commercial use of genetically modified trees and there are no licenses for commercial use OR
- c. It is forbidden to use genetically modified trees commercially in the country concerned.

Comments or justifications for county risk level

Romania is low risk concerning the use of genetically modified trees. Afforestation is done mainly with indigenous species according to Management Plan keeping the natural composition of forest. NO use of GMO trees according to Romanian legislation.

At the level of European Union there is 1999/105/CE Directive from 22.12.1998 regarding trading forest reproduction. According to Romanian legislation, the use of GMO is not allowed. This European Directive is adapted in Romanian legislation (Law no. 107/2011)

In Romania there are some regulations regarding seeds and commerce with seedlings from nursery:

Government Emergency Decision no. 43/2007 and approved by Law 247/2009 regarding introduction of GMO.

Minister Order no. 945/2012 regarding the approval of the National Catalogue of Forest Genetic resources and Technical Guideline for their sustainable management

Minister Order no. 1028/2010 regarding the approval of sourcing regions for Forest Reproductive Materials.

At present, there is no strategy for bio-security, especially related to the use of genetically modified organisms (GMOs), although there is a regulating system for GMOs beginning with 2000.

According to Global Forest Registry for Controlled Wood and according to the latest available FAO study ("Preliminary review of biotechnology in forestry, including genetic modification", 2004) there is no commercial usage of any GM trees in the country.

Level of assessment at country level: Low

List in which sources of information were used:

FAO, 2004. Preliminary review of biotechnology in forestry, including genetic modification. Forest Genetic Resources Working Paper FGR/59E. Forest Resources Development Service, Forest Resources Division, Rome, Italy. Disponibil online:
<http://www.fao.org/docrep/008/ae574e/AE574E00.HTM>

Ministry of Environment and Forests - legislation concerning the biosecurity and GMO
<http://www.mmediu.ro/legislatie/biosecuritate.htm>