



08.02.2023

To: The Ministry of Environment, Waters and Forests

Regarding: the Draft Decision on the approval of the methodological rules for the granting, use and control of compensations representing the value of the products that owners do not harvest, due to the protection functions established by forestry plans that impose restrictions on timber harvesting.

Dear Mr. Director,

WWF Romania appreciates the intention of the Ministry of the Environment, Water and Forests to launch a legislative framework aimed at providing aid "to counteract specific disadvantages in certain areas, generated by certain mandatory requirements in forest areas". The need for this approach also stems from the objectives set out in the National Forest Strategy 2030.

We submit the following comments regarding this initiative:

- ✓ Compensatory payments for compliance with mandatory requirements in forest areas should apply to all forests, regardless of their size and ownership category. Thus, we consider that granting these compensatory payments only for forest areas for which there is a valid forest management plan creates a discriminatory context for forest owners who own areas of less than 10 ha, and who, according to the provisions of Article 20 paragraph 2 (Law 46/2008 - consolidated form), are not bound to draw up forest management plans.

Furthermore, this framework applies the provisions foreseen in Part IIa, Section 2.2 of Chapter 2 of the 'European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas (2022/C 485/01)' section which covers:

Natura 2000 forest areas designated under Directives 92/43/EEC and 2009/147/EC  
- other protected natural areas where there are environmental restrictions on forestry activities contributing to the implementation of Article 10 of Directive 92/43/EEC

In this context, it should also be possible to grant compensatory payments on the basis of the provisions of the management plans of Natura 2000 areas of community interest and of other categories of protected areas in which there are environmental restrictions applicable to forestry activities contributing to the implementation of Article 10 of Directive 92/43/EEC. Thus, owners who do not have a management plan (according to the law) should be able to receive compensatory payments on the basis of the provisions of the management plans of protected areas.

- ✓ Compensatory payments for identified virgin and quasi-virgin forests should be granted subject to their inclusion in the National Catalogue of Virgin and quasi-virgin Forests in Romania, thus eliminating the time lag between their inclusion in the national catalogue and their classification as functional type T1 under the planning framework. Such a provision would contribute essentially to the completion of the efforts to classify these forests.
- ✓ With regard to forests included in the UNESCO World Heritage List, we would like to point out that, in accordance with the IUCN proposals on the management of protected areas and buffer zones, the current legislative proposal must include the possibility of providing compensation payments also for the buffer zone of protection under the TI restriction protocol and the buffer zone of connectivity under the TII restriction protocol.
- ✓ In order to grant compensatory payments for forests classified in the TII functional type, clear eligibility provisions should be specified in relation to the volume of timber harvested. Thus, we consider ineligible areas of forests classified as functional type TII for which volumes greater than 10% of the total volume of wood per foot have been harvested, including areas where conservation works have been applied in which the entire amount of wood has been harvested (e.g. holm oaks). At the same time, regarding the eligibility condition determined by the existence of illegal felling in the harvested areas, we consider that these areas should become ineligible only if there is revealed a direct link between the applicant and the illegal practice found.
- ✓ According to NFI data, in Romania there is a significant area of forest outside the national forest fund. It should be noted that there are areas of forest established in protected areas which cause a number of disadvantages for owners due to mandatory requirements imposed in these areas. We believe that compensatory payments should be made in this instance as well, thus to ensure that the requirements imposed by the management plans are met.

We consider that there are also a number of disadvantages specific to certain areas arising from the requirements resulting from the implementation of Directives 92/43/EEC, 2009/147/EC, other than those functional types TI and TII, which result in the "Study for the development of the methodology and calculation of Natura 2000 payments in forest areas in protected natural areas, according to the restrictions in the management plans" drafted by INCDS Marin Drăcea.

Furthermore, in accordance with the National Forest Strategy 2030. Romania has undertaken to include at least 10% of the total forest area at national level. It is therefore necessary to ensure compensation payments for the loss of income incurred by this measure.