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Major issues arising from the draft of the [new Forestry Code](#)¹, grouped by the 5 main areas of concern:

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Note: In relation to the issues identified, the standpoint with the provisions of the [National Forest Strategy \(NFS30\)](#)² and the justification of the objections are provided to highlight the impact. The suggested amendments are intended to illustrate the identified problems and outline an immediate solution.

¹ https://www.mmediu.ro/app/webroot/uploads/files/NCS%2012.12.2023_numerotat.pdf

² <https://www.strategieforestiera.ro/>

A. Continuity of sustainable timber harvests

(A) Regulation of growing illegal harvested timber

It creates the conditions for illegal growth in timber harvesting and stimulates the administrative atomisation of the national forestry fund. It will be possible to harvest more inexpensively, without taking into account the cumulative impact that harvesting will have on the forest landscape and on the development of a sustainable forest bioeconomy.. It involves major risks that have been ignored, related to forest conservation and maintenance/improvement of environmental conditions, medium and long-term economic viability of managing the national forest estate and staying within the projected limits for forestry on timber harvests in the context of EU climate and energy policies for 2030 (LULUCF, RED).

Correspondence of the identified priority with the NFC articles:

Art. 63(3) in conjunction with Art. 25(1), (2) and (3) respectively Art. 72(5) and Art. 7(3),

Standpoint with NFS30:

- **FLAGRANT CONTRAVENTION** of the General Objective: Continuous provision of ecosystem services and in particular **SDA1** Continuity of sustainable timber production /**OB1.1** Conditions for regulating continuity of production at the stand level for forests on properties smaller than 100 ha.
- **UNDERMINES** the achievement of the Strategic Objective: Supporting a competitive, transparent and socio-economically viable forestry sector, targeted towards the circular bioeconomy, and in particular **SDA12** Reforming the forest owner's decision-making role / **OB12.2 The association of small forest owners (who cannot be sustainably managed) is stimulated** through the financial support mechanism.

Justification:

- We consider the approach that for small areas, owners can contribute to decisions on forest management planning and implementation (i.e. choose target production varieties) to be correct. However, they must be able to do so in a sustainable, conditional way, applying a **new set of technical rules** (e.g. irregular coppice), aiming at establishing **rigorous** and easily monitored **result indicators** (e.g. maximum harvest volume, minimum base area, target composition, etc.), in order to (i) prevent the **cumulative effect of regeneration harvesting** at forest landscape level (i.e. Large Forest Units -MUFB /MUFG) and (ii) ensure the continuity of sustainable timber harvest.
- Ensuring **the continuity of sustainable timber production** even for properties under 100 ha has multiple and major implications:
 - (i) Economic viability in forest management. → However, if the proposed provisions were applied, given the specific national situation, the "cut and leave" system for smallholdings would lead to a lack of resources for long-term sustainable forest management, leading to the non-application of regeneration and care works or even the abandonment of forest management (see the current situation).
 - (ii) **Compliance with projected forestry harvest limits** in the context of **climate and energy policies** (LULUCF, RED) → If the proposed provisions were implemented, however, it would mean reinstating the system of "harvest quotas", which would mean reviving the corruption typical of the early 2000s (the beginning of the period of chaotic retrocessions when harvest quotas were set for owners but were lower than what resulted from the cumulative possibility provided by the summary planning studies and the landowner harvesting quotas were approved by the authorities on a case-by-case basis). Returning to "Summary Land Use Studies" as a result of the suggested provisions would mean repeating historical mistakes, the impact of which Romania is paying for today.
 - (iii) Ensures the development of a **sustainable forest economy** based on a predictable and responsibly harvested timber resource. → By implementing the proposed provisions, the possibility is created of an uncontrolled market infusion of wood mass that only satisfies the immediate need of large primary processors of large quantity, cheap wood in the market. Forest management must take into account the principles of sustainability, not the momentary interests of small groups.
 - (iv) Ensures a fair competitive environment. Cumulatively, smallholdings can over time reach **more than 1/3 of the national forest estate**, with major implications for how the rest of the forests are managed. → The facilities established by the suggested provisions for areas under 100 ha, without providing specific guidance on the application of the continuity principle, discourage owner associations (SDA12) and encourage national forest fund

<p>fragmentation and abandonment of the principles of its sustainable management. Therefore, it should be clearly established that these facilities do not apply to properties resulting from the clearing of areas of more than 100 ha in the reference year 2023. It is a necessary measure to prevent the artificial administrative division of properties of more than 100 ha and limit possible negative impacts on the environment and/or the forest economy.</p> <ul style="list-style-type: none"> • The artificial fragmentation of the national forestry fund associated with a non-uniform/unequal management, by continuing the system of chaotic retrocession, is a deeply irresponsible act that causes great economic, social and ecological damage. The transfer of land from the State's public to private ownership should be exempted if it belonged to the State's public domain before 6 March 1945. • A real and appropriate reform would be for Forest Management to be developed/applied in a unitary/centralised way at the level of Large Forestry Units (LFU), with financial support from the state budget/dedicated fund (and providing for management extracts at the owner level). 	
Draft Legislation Forestry Code - Public Version, December 2023	WWF România amendments
<p>Art. 63, alin (3) Pentru terenurile cu o suprafață de până la 100 ha, incluse într-un amenajament silvic, reglementarea procesului de producție lemnoasă se face la nivel de unitate de gospodărire sau pe baza deciziilor de conducere structurală la nivel de arboret. Modul de elaborare al amenajamentului silvic se stabilește la avizarea temei de proiectare.</p>	<p>Art. 63, para. (3) For land up to and including 100 ha covered by a forest management plan and meeting the conditions laid down in Art. 25, para. 5, the regulation of the timber production process shall be carried out at the level of the management unit or on the basis of structural management decisions at the stand level in accordance with conditions of art.25, paragraph (4);</p>
<p>Art.25, alin (1) Proprietarii terenurilor din FFN cu o suprafață de maxim 10 ha inclusiv au, pe lângă celelalte drepturi prevăzute în prezenta lege, și următoarele drepturi: lit (g) de a opta pentru elaborarea unui amenajament silvic conform prevederilor de la art. 63 alin. (3), cu exercitarea dreptului de a alege sortimentul țel pentru pădurile cu rol de producție.</p>	
<p>Art.25, alin (2) Proprietarii terenurilor din FFN cu o suprafață de peste 10 ha au, pe lângă drepturile prevăzute în prezenta lege, următoarele drepturi pentru recoltarea de produse lemnoase: (a) de a alege sortimentul țel în pădurile cu rol de producție, conform prevederilor normelor tehnice de amenajare a pădurilor, în cazul în care se elaborează amenajamente silvice conform prevederilor art. 63 alin. (3);</p>	
	<p>Art.25, para (4) The provisions of Art.63 para (3) shall apply on the basis of technical forest management rules which include the establishment of the following cumulative conditions: (a) ensuring the continuity of sustainable timber production (b) establishing rigorous outcome indicators on stand structure in order to prevent the cumulative effect of silvicultural interventions at forestry landscape level (N.A. Large Forestry Units - MUFB /MUFG).</p>
	<p>Art.25 paragraph (5) The provisions of paragraphs (1)(g) and (2)(a) shall not apply to areas resulting from the dismemberment of properties which on December 31, 2023 were larger than 100 ha. For areas which have been subject to reconstitution ownership after December 31, 2023, the provisions of paragraphs (1)(g) and (2) lit (a) apply only to properties of less than 100 ha at owner level.</p>

<p>Art. 72, alin (3) Prin excepție de la prevederile alin. (2), se poate depăși posibilitatea anuală în următoarele situații:</p>	<p>Art. 72 para (3) By way of exception to the provisions of paragraph. (2), the annual possibility may be exceeded in the following situations:</p>
<p>(a) dacă reglementarea procesului de producție lemnoasă se realizează la nivel de arboret, precum și în cazul în care există un singur arboret în planul decenal de recoltare a produselor principale;</p>	<p>(a) if the regulation of the timber production process is carried out at the stand level in accordance with Article 25 para (4) and if there is only one stand in the ten-year plan for harvesting main products;</p>
<p>Art. 7, alin (3) Este interzisă trecerea terenurilor din FFN din proprietatea publică a statului în proprietatea privată a acestuia, cu excepția terenurilor care fac obiectul reconstituirii dreptului de proprietate, în condițiile legii.</p>	<p>Art. 7 para (3) It is prohibited to transfer land in the NFF from public to private ownership of the State, except for land which did not belong to the public domain of the State before March 6, 1945 and are subject to the reconstitution of the right of ownership under the law.</p>
<p>Correspondence of the identified priority with the NFC articles: Art. 72 in conjunction with Art. 63(3) Standpoint with regards to NFS30:</p> <ul style="list-style-type: none"> - FLAGRANT CONTRAVENTION of the General Objective: continuous provision of ecosystem services and in particular DSA1 /OB1.1 Continuity of sustainable timber production - UNDERMINES the Strategic Objective: To support a competitive, transparent and socio-economically viable forest sector oriented towards the circular bio-economy. - Does NOT reflect the strategic line of action DSA12.2. Financial support mechanism to incentivise forest owners for sustainable forest management, in relation to the prevention and mitigation of natural hazards and adaptation to climate change. 	
<p>Justification:</p> <ul style="list-style-type: none"> • An uncontrolled liberalisation of logging is suggested. The principle of continuity, a fundamental principle in sustainable forest management and the prevention of over-exploitation of forest resources, is undermined. The provisions of Article 72 do not lay down clear rules on the early harvesting of incidental products I (caused by natural hazards) and the volume of illegally harvested timber. • The annual possibility, a best practice measure complied with in Romania for decades to ensure a sustainable continuity of timber harvests, is essentially tossed into disrepute and will no longer act as a mechanism for (i) prevention in terms of mitigating the impact of natural hazards on forest ecosystems and the forest economy or (ii) stimulating the fight against illegal harvesting. • The possibility of developing a resilient and sustainable forest bioeconomy in Romania is undermined. Given, on the one hand, the fiscal legislation and the way forestry offices operate (see also the provisions of Art. 13 para. (6-7), and on the other hand the excessive politicisation of forest administrations (in electoral cycles), undermining the annual possibility will affect the economic viability of forest management and will cancel out any predictability of the annual wood supply available on the market. • An artificial infusion of wood is practically brewing in the market (available on market demand) anticipated by the much-heralded resource crisis, deepening in Europe with the restriction of wood imports from Russia or Belarus and the limitations of the war in Ukraine. All to provide more wood to saturate the market, to feed the growing need of the primary wood processing industry. • In order to support the economic viability of forestry offices and the implementation of measures to prevent and mitigate the effects of natural hazards on forests, a special fund should be set up under the tax reserve system, from which to ensure the management of forests for financial years in which the annual possibility is reduced by the application of restocks. This will encourage: (i) the establishment of a local action plan for the prevention and mitigation of natural hazards and adaptation to climate change, and (ii) addressing the risk of "forced" clear-cutting and conservation logging. 	

<p>Art. 63, alin. (6) Pe perioada de valabilitate a unui amenajament silvic este interzisă aprobarea elaborării altui amenajament silvic pentru terenul respectiv sau pentru o parte din acesta, cu excepția următoarelor cazuri: (a) atunci când volumul recoltat din produse principale, inclusiv din produse accidentale I, pentru care există aprobările legale, depășește posibilitatea stabilită prin amenajamentul silvic.</p>	
<p>Art. 72, alin. (2), Prin excepție de la prevederile alin. (2), se poate depăși posibilitatea anuală în următoarele situații: (a) dacă reglementarea procesului de producție lemnoasă se realizează la nivel de arboret, precum și în cazul în care există un singur arboret în planul decenal de recoltare a produselor principale; (d) cu volumul de lemn prevăzut a se recolta din arboretele cuprinse în planul decenal, pentru valorificarea anilor de sămânță în arborete cu baza în cvercinee; (e) cu recoltarea anticipată a unui volum cumulativ maxim echivalent cu o posibilitate anuală, pe întreaga perioadă de valabilitate a amenajamentului silvic.</p>	<p>Art. 72 para (3) By way of exception to the provisions of para. (2), the annual possibility may be exceeded in the following situations: (a) if the regulation of the timber production process is carried out at stand level under the conditions of Article 25 para (4) and if there is only one stand in the ten-year plan for harvesting the main products; (d) with a volume of wood intended to be harvested from stands included in the ten-year plan, for the use of seed years and usable seedlings installed in evercine-based stands of the Formation Group 6-8 oak forests, with the approval of the territorially competent Forest Guard; (e) with advance harvesting of a maximum cumulative volume equivalent to an annual possibility for the entire period of validity of the forestry plan.</p>
<p>Art. 72, alin (4) Prin excepție de la prevederile alin. (1) posibilitatea stabilită prin amenajamentul silvic, pentru perioada de valabilitate a acestuia, se poate depăși prin recoltarea produselor accidentale I, extraordinare și a tăierilor ilegale, cu luarea în considerare a acestora la elaborarea noului amenajament silvic pentru FFN proprietate publică a statului, sau la nivel de proprietar pentru celelalte cazuri. Art. 72, alin (5) Produsele accidentale și extraordinare se recoltează integral din fondul forestier; în situația în care volumul produselor accidentale I cumulativ cu volumul recoltat anterior apariției acestora depășește posibilitatea, ocolul silvic care asigură administrarea/serviciile silvice, după caz, întocmește documentația potrivit metodologiei aprobate prin ordin al Autorității și o transmite spre aprobare Gărzii forestiere competente teritorial. În ariile naturale protejate se respectă legislația specifică protecției mediului. Art. 72, alin (6) Depășirea posibilității prevăzute la alin. (5) se aprobă prin decizie a conducătorului Gărzii forestiere competentă teritorial. Art. 72, alin (7) Volumul produselor accidentale I și extraordinare, înregistrate în unități de gospodărire în care se reglementează procesul de producție lemnoasă, precum și volumul arborilor tăiați ilegal se precomptează din posibilitate. Art. 72, alin (8) Precomptarea se realizează în cadrul aceleiași proprietăți. Art. 72, alin (9) Volumul lemnului prevăzut la alin. (5), care depășește posibilitatea anuală, se precomptează în anii următori de aplicare a amenajamentului silvic.</p>	<p>Art. 72 para. (4) By way of exception to the provisions of para. (1) the possibility established by the forest management plan, for the period of its validity, may be exceeded by harvesting incidental I, and extraordinary and illegal felling, with consideration being given to them when drawing up the new forest management plan at the level of the management unit for FFN owned by the State, or at the level of the owner for other cases. Art. 72 para. (5) Incidental and extraordinary products shall be harvested in full from the forest fund; if the volume of incidental products I cumulativ with the volume of illegal felling and the volume harvested prior to their occurrence exceeds the annual possibility, the forestry office that provides forest management/services, as the case may be, shall draw up the documentation according to the methodology approved by order of the Authority and shall submit it for approval to the territorially competent Forest Guard. In protected natural areas, specific environmental protection legislation shall be respected. Art. 72 para. (6) Exceeding the possibility provided for in para. (5) shall be approved by decision of the head of the territorially competent Forest Guard. Art. 72, para. (7) The volume of incidental I and extraordinary products recorded in the management units where the timber production process is regulated, as well as the volume of illegally felled trees, shall be precounted from the possibility. Art. 72 para. (8) Pre-counting shall be carried out within the same property management unit.</p>

	<p>Art. 72 para. (9) The volume of timber referred to in paragraph (5) which exceeds the annual possibility shall be pre-counted in the year and, where appropriate, the immediately following years of application of forest management.</p>
<p>Este oportună introducerea unui nou Articol în Capitolul II. Fonduri speciale</p>	<p>Resilience fund for natural hazard mitigation and adaptation to climate change (1) Managers of State-owned NFF land and other NFF land owners are required to establish the resilience fund for mitigation of the effects of natural hazards and adaptation to climate change, the bearer of interest-free, non-taxable, tax-deductible and tax reserve status. The fund is at the disposal and in the account of the administrator or forestry service provider.</p>

	<p>(2) The resilience fund for natural hazard mitigation and adaptation to climate change provided for in paragraph (1) shall be constituted from the following sources</p> <p>(a) 85% of the value of the wood mass, derived from incidental products I, exceeding the annual possibility, sold under the terms of the law.</p> <p>(b) 85% of the value of the wood mass, derived from main products exceeding the annual possibility, according to Art. 72 (3) (d).</p> <p>(c) 50% of the value of the wood mass, derived from incidental products II,</p> <p>(3) The resilience fund for natural hazard mitigation and adaptation to climate change provided for in paragraph (1) shall be used for:</p> <p>(a) current salary and administrative expenditure strictly in financial years in which the annual possibility is reduced for the application of restocks; the funds annually are proportional to the volume of timber to be restocked from the annual possibility.</p> <p>(b) implementation of actions to correct the consequences of natural hazards.</p> <p>(c) implementation of measures to prevent and mitigate the effects of natural hazards and to adapt to climate change, according to the action plan developed by the Forestry Office on the basis of the good practice guidelines for forestry referred to in Article 66 (3).</p>
<p>Articolul 124. Fondul de conservare și regenerare a pădurilor</p> <p>(2) Fondul de conservare și regenerare a pădurilor prevăzut la alin. (1) se constituie din următoarele surse:</p> <p>(f) 10-25% din valoarea lemnului vândut în condițiile legii, provenit din produse principale și accidentale I, pentru terenurile proprietate publică a statului; nivelul procentului anual, în cazul produselor principale, se stabilește de Romsilva, respectiv de INCDS și de RAPPs, prin ocolul silvic propriu;</p> <p>(g) 10-25% din valoarea lemnului autorizat spre exploatare, provenit din produse principale și accidentale I, calculată la nivelul prețului mediu al unui metru cub de lemn, pentru celelalte forme de proprietate; nivelul procentului anual, în cazul produselor principale, se stabilește de ocoalele silvice în comun acord cu proprietarul;</p>	<p>Article 124. Forest conservation and regeneration fund</p> <p>(2) The forest conservation and regeneration fund referred to in paragraph (1) shall be constituted from the following sources:</p> <p>(f) 10-25% of the value of the timber sold under the law, from main and incidental products I, for public land owned by the State; the level of the annual percentage, in the case of main products, is set by Romsilva, respectively by INCDS and RAPPs, through its own forestry office;</p> <p>(g) 10-25% of the value of the timber authorised for harvesting, from main and incidental products I, calculated at the level of the average price per cubic metre of timber, for the other forms of ownership; the level of the annual percentage, in the case of main products, shall be determined by the forestry offices in agreement with the owner</p>

B. System architecture designed to combat illegal harvesting

(B) The reform of the system to combat illegal harvesting as clearly outlined in the NFS30 is NOT in place.

The provisions of the New Forest Code are in FLAGRANT CONTRAVENTION of the main guidelines (NFS30), as regards traceability of timber and first placing on the market. The architecture of the system to combat illegal harvesting does not aim at simplicity - efficiency - transparency. We are left with basically the same ineffective system of combating illegal harvesting centred on marking trees, selling standing timber guarding trees in the forest and identifying any unmarked stumps. Instead of simplification and streamlining, unnecessary administrative burdens and super-bureaucratisation are being multiplied! No clear implementation framework is provided that should integrate the requirements of the national integrated forest information system with due diligence requirements imposed by EU Reg. 1115 /2023 (EUDR).

Correspondence of the identified priority with the NFC articles:

Art 104 and in conjunction with **Art 23** and the definitions in the glossary of terms (i.e. timber valuation, volume of standing timber).

Standpoint with regards to SNP30:

- FLAGRANT CONTRAVENTION of Strategic Direction of Action SDA2 /OB 2.2 Main coordinates of timber traceability and first placing on the market

*(2) The method of prior marking of trees to be cut shall be regulated as an **internal monitoring tool**, in terms of the correct application of forestry work, and **not as a central tool for controlling volumes marketed.***

*(4) The logging statement shall require stating in the National Forest Register, at least, the place of origin of the timber, the **estimated volume to be harvested** in relation to the planned silvicultural intervention, the timeframe for the execution of the logging and the point of placement on the market (clearly defined, with GPS coordinates). The **logging document shall not have the character of a management document from the State's point of view.***

Justification:

- **The essence of the reform** in terms of the architecture of the system to combat illegal harvesting is **not established** (see the provisions clearly expressed by **SDA2 /OB 2.2**, Chap. **Main coordinates of timber traceability and first placing on the market**). It is necessary to convert the current control system based on 'marking' and guarding trees in the forest, to one based on controlling the timber volumes when placed on the market. Resources and administrative tasks in the fight against illegal logging should not be focused on marking and guarding trees in the forest, which, combined with the possibility of selling standing timber (N.B. in the form of an **estimated volume**), **actually foster unprofessionalism and conflict of interest.**
- **The disadvantages of the current tree marking system** are widely known and acknowledged: (i) reduced durability over time of the markings of special marking devices; (ii) difficult deciphering of the marking; (iii) relatively easy fraud of the marking by: * use of imitation devices; * easy removal of the marking by chipping; * use of bushes or relatively rudimentary methods of imitation of the marking; * non-compliant use of the marking device (unauthorised personnel, non-compliant location, inconsistency between logbook and field data, application after the APV (Timber valuation report) has been issued). Problems arising from these drawbacks: (i) value entries for volumes lower than those actually in the field; (ii) illegal logging using counterfeit equipment (iii) difficulty or even impossibility of verification in the following respects: * existence and identifier of the marking device; * date of application; * number of trees valued; * correlation of the current number in the book with the tree in the field
- Control based on marking trees with special marking devices (hammers) **does not produce strong evidence in court** and is inconclusive for establishing volume differences between PVA and quantity actually harvested. It calls for a maze of administrative procedures requiring the involvement of a large number of qualified staff, judicial and extra-judicial technical expertise, which takes months or even years, during which time the means of proof (the mark - the hammer's imprint on the wood) are depreciated by natural factors and are no longer relevant.
- **Identification and materialisation of trees to be harvested** (i.e. tree marking) is **essential forestry work**. However, it must be set up as an internal monitoring tool, **in terms of the correct application of forestry work and timber harvesting**. The means to implement it

/to mark the trees must be determinable by the forest administration/forestry office appointed **depending ton the nature of the harvesting** (N.B. there are nowadays much more effective monitoring systems), **accompanied by notification to the authorities.** .

- The strategic directions set out in the NFS30 suggest a system that **empowers and co-interests** forest **managers/owners** to proactively engage in **measuring and controlling volumes of wood material** when placed on the market. Economic realities, based on reception between seller and buyer, in a transparent system of product and quantity recording, is the most efficient and sustainable way to eliminate systemic conflicts of interest but also to fall within the scope of the arrangements or to combat tax evasion.

Draft Legislation Forestry Code - Public Version, December 2023	WWF România amendments
<p>Articolul 104. Marcarea arborilor</p> <p>(1) Arborii destinați tăierii se inventariază și, în funcție de natura tăierii, se marchează, după caz, cu dispozitive speciale de marcat, în conformitate cu regulamentul prevăzut la alin. (4). Pentru lucrările de conducere și îngrijire a arboretelor cu vârsta până la 30 ani nu se folosesc dispozitive speciale de marcat;</p> <p>(2) Dispozitivele speciale de marcat se folosesc și de către personalul cu atribuții de control pentru marcarea cioatelor arborilor tăiați ilegal.</p> <p>(3) Dispozitivelor speciale de marcat li se aplică regimul juridic al mărcilor și sigiliilor.</p> <p>(4) Forma și modul de utilizare a dispozitivelor speciale de marcat, precum și modul de marcare a arborilor sau a unor loturi de arbori se stabilesc prin regulament aprobat prin ordin al conducătorului Autorității.</p> <p>(5) Folosirea dispozitivelor speciale de marcat se face numai de către personalul împuternicit.</p> <p>(6) Personalul împuternicit al dispozitivului special de marcat are obligația de a nu îl folosi în alte scopuri sau în alte locații decât cele prevăzute în delegația de marcare emisă, sau după expirarea termenului înscris în delegație.</p> <p>(7) Pentru marcarea arborilor pot fi utilizate și alte sisteme de marcare în baza metodologiei aprobat de Autoritate.</p> <p>(8) Prin metodologia prevăzută la alin. (7) se pot stabili, pe zone pilot, și modalități de recoltare a arborilor fără folosirea dispozitivelor speciale de marcat.</p>	<p>Article 104. Marking of trees</p> <p>(1) Trees intended for cutting are inventoried and, depending on the nature of the harvesting, marked/labelled by the forestry staff delegated by the nominated forestry office or who ensure the forestry administration or services.</p> <p>(2) The way in which trees or tree batches are to be labelled/marked is determined, depending on the nature of the harvesting, by the internal rules of the forestry offices responsible for forestry management or services, on the basis of good practice guidelines drawn up by the competent forestry authority.</p> <p>(3) The method of labelling/marking of trees or tree batches shall be reported to the specialised territorial units of the central public authority responsible for forestry.</p> <p>(4) As an exception to paragraphs 1 and 2, in the case of forest vegetation outside the national forest fund and for areas of forest fund for which it is not mandatory to draw up a forest management plan, the owner may choose to implement the marking and inventorying method, based on the practices established by the forestry office referred to in paragraph (2), provided that the volume of timber harvested is less than 20 m³ /year/owner for own usage.</p> <p>(5) The placing on the market of wood harvested in accordance with paragraph 4 shall be prohibited.</p>

Articolul 23. Obligații ale proprietarilor cu privire la respectarea reg. silvic
Art. 23 alin. (2) Proprietarii terenurilor din FFN cu o suprafață de peste 10 ha au, pe lângă celelalte obligații prevăzute în mod expres în prezenta lege, și următoarele obligații: (i) să exploateze lemnul numai după evaluarea acestuia, autorizarea parchetelor și eliberarea documentelor specifice de către personalul abilitat;

Evaluarea lemnului

Acțiunea de culegere de informații privind locația, suprafața pe care se găsesc arborii care urmează a fi selectați în vederea exploatării și caracteristicile dendrometrice ale acestora, necesare calculului volumului de lemn pe picior.

Volum de lemn pe picior

Volumul tuturor arborilor situați pe o suprafață de teren acoperită de aceștia, în care se includ trunchiul, coaja și crăcile. Pentru speciile de rășinoase crăcile nu se includ în volumul arborilor.

Tăiere cu drept

Recoltarea arborilor din:

- a) parchetele autorizate spre exploatare, cu condiția respectării prevederilor legale referitoare la evaluarea lemnului destinat valorificării;
- b) vegetația din afara FFN, cu respectarea prevederilor legale referitoare la evaluarea lemnului destinat valorificării.

Article 23. Obligations of owners regarding compliance with forestry regulation

Art. 23 para. (8) Timber valuation shall be carried out by means of valuation documents drawn up by the forestry offices in accordance with the technical forestry guidelines and shall be operationalised through the integrated forest information system.

Art. 23 para. (9) The assessment report drawn up in accordance with para. (1) shall have the **value of an estimate of the quantities** proposed for exploitation. The invoice issued after the logging procedures have been completed and the logging work has been carried out shall cover only the quantities actually harvested and placed on the market.

Art. 23 para. (10) In the case of the recovery of standing timber, payments **shall be strictly related to the quantities placed on the market**, resulting from the drawing up of a final estimate/receipt which will form the basis for the issue of the invoice and the specific transport documents showing the origin of the timber.

Art. 23 para. (11) By exception to paragraph (8), under the conditions of Art. 23 para. (4) and para. (7), the valuation of timber for recovery may also be made by the owner on their own responsibility and the forestry office may authorize the forestry prosecutor at the request of the owner based on information from the integrated forest information system, certifying the **right to cut**.

Art. 23 para. (12) Under the conditions of Art. 23 para. (11) the timber material resulting from the harvesting may only be used for the owner's own consumption and may **not be placed on the market**.

Wood valuation

The action of collecting information on the location, the area on which the trees to be selected for harvesting are located and the dendrometric characteristics of the of these, necessary to ~~calculate~~ **estimate** the volume of standing wood.

Correspondence of the identified priority with the NFC articles:

Art. 20 (1) and (2) in conjunction with the provisions of Art. 107, Art. 109 and the definitions in the glossary of terms (i.e. timber materials, origin of timber, clear-cutting).

Standpoint with regards to SNP30:

- **FLAGRANT CONTRAVENTION** of the strategic direction of action STRATEGIC DIRECTION OF ACTION **SDA2 /OB 2.2 Main coordinates of timber traceability and first marketing:**

(6) The varieties to be placed on the market are simply and uniformly defined by the act regulating the traceability system.

(7) Traceability coverage from the first placing on the market to the first processing of the assortments being placed on the market is strictly regulated by means of SUMAL.

(9) Ensuring traceability, from the first transformation onwards along the supply chain, is the responsibility of economic operators, through internal procedures.

*(10) The introduction of information in SUMAL, from the first transformation onwards along the supply chain, is recommended to economic agents, with the following benefits: i) support for **traders** to set up their own Due Diligence systems regarding the traceability of timber products (implementation of "deforestation-free" provisions, certification, etc.), ii) reporting by authorities on the **timber market/timber balance**, iii) **assessment of value added through vertical value chains**.*

- **DOES NOT IMPLEMENT** the strategic lines of action: **SDA3.2, SDA2.3, SDA1.5**

Justification:

- **SUMAL architecture risks being amputated** to the point of **inefficiency**. Applying SUMAL strictly only to the transport of raw timber from the primary platform to the first depot opens a loophole that will allow **fraudulent declaration of timber origin**, impossible to control/combat, making it incompatible with EUDR requirements..
- **The control role** enacted by SUMAL should **only** target **raw wood categories** that can be placed on the market (i.e. similar types of wood material to those that may result from the logging process at the primary platform level), however, along the **entire chain of custody of raw wood categories**, up to their first processing.
- **Raw wood categories** must be clearly **defined** / specified to distinguish from wood materials that cannot be first placed on the market / cannot come directly from the primary platform (i.e. obtained after first processing of raw wood).
- The primary role of the integrated electronic forest system is 'forest guarding'. It is therefore essential that for **raw wood** that may come directly from the harvesting site (i.e. may be subject to placing on the market), standardised rules must be put in place to ensure traceability on the entire chain of custody of these assortments. It is not sufficient for SUMAL to be applicable only on the route from the forest/primary platform to the first warehouse (i.e. the first market introduction sector). SUMAL must also ensure the traceability of **raw wood products** among all warehouses and processing facilities that have these types of wood products as "input".

- For the other wood materials (e.g. edged timber, beams, sawdust, etc.) resulting from the **processing of raw wood products**, Effectiveness in combating illegal logging by tracking the volume closure of initial estimates as standing timber (or closure on volumes declared at market entry), is practically irrelevant. But it is highly relevant to other areas of concern. This is why, according to the wood traceability (established by NFS30 - SDA2.2), for wood products traceability sector **after first transformation, SUMAL functionalities should aim at:**
 - (v) Supporting **traders to set up their own Due Diligence Systems** regarding the traceability of timber products and the implementation of deforestation-free provisions or voluntary certification schemes, independent verification procedures, etc.
 - (vi) **assessment of the added value generated by vertical value chains** in order to be able to quantify the socio-economic contribution to local development in relation to the processed wood mass (see also linkage with SDA3.2).
 - (vii) collection and processing of data concerning forest management and the **timber market in Romania** (see SDA2.3).
 - (viii) Collect data for LULUCF reporting and to be able to quantify the **carbon footprint** generated by each timber chain of custody (correlation with SDA1.5).

If these new functions assigned to the integrated forest information system are not clearly stated, they will not be transposed by subsequent legislation. This risks undermining a number of the strategic lines of action taken under the NFS30, namely: **SDA3.2, SDA2.3, SDA1.5**

Draft Legislation Forestry Code - Public Version, December 2023	WWF România amendments
<p>Articolul 20. Sistemul informațional integrat pentru păduri</p> <p>(1) Normele referitoare la proveniența lemnului, proveniența, circulația și comercializarea materialelor lemnoase, la regimul spațiilor de depozitare a materialelor lemnoase și al instalațiilor de prelucrat lemn rotund, precum și cele privind proveniența și circulația materialelor lemnoase destinate consumului propriu al proprietarului, se aprobă prin hotărâre a Guvernului, la propunerea Autorității, în termen de maxim 3 ani de la data intrării în vigoare a prezentei legi.</p> <p>(2) Normele prevăzute la alin. (1) reglementează inclusiv realizarea, dezvoltarea și funcționarea unui sistem informațional integrat pentru păduri, care îndeplinește următoarele funcții:</p> <p>(a) date și informații care privesc gestionarea sustenabilă a pădurilor;</p> <p>(b) culegere de informații privind proveniența lemnului la prima introducere pe piață;</p> <p>(c) furnizare de informații pentru dezvoltarea sistemului de due diligence propriu al fiecărui operator economic, la prima introducere pe piață a lemnului;</p> <p>(d) evaluare de risc și orientare a controlului pe bază de evaluări de risc;</p> <p>(e) furnizare de informații de interes public privind proveniența lemnului, circulația și comercializarea materialelor lemnoase.</p> <p>(f) de control;</p> <p>(3) Normele prevăzute la alin. (1) includ prevederi cu privire la situațiile și la procedura de suspendare/retragere a dreptului de acces în sistemul informațional integrat pentru păduri.</p>	<p>Article 20. Integrated forest information system</p> <p>(1) The rules on the origin of wood, the origin, traceability, circulation and marketing of wood materials, the rules governing storage facilities for wood materials and round wood processing plants, as well as those on the origin and circulation of wood materials intended for the owner's own consumption, shall be approved by Government Decision, on the proposal of the Authority, within a maximum of 6 months 3-years from the date of entry into force of this Law.</p> <p>(2) The rules referred to in paragraph 1 shall also cover the establishment, development and operation of an integrated forest information system, which shall perform the following functions:</p> <p>(a) collecting and processing data and information concerning sustainable forest management, the timber market in Romania and the assessment of added value through vertical value chains of wood processing.</p> <p>(b) collection of registration and record-keeping information on the origin of timber, traceability, movement and marketing of timber materials at first placing on the market;</p> <p>(c) providing information for the development of each economic operator's operators' and traders' own due diligence systems for the implementation of the relevant EU legislation, when timber is first placed on the market;</p> <p>(d) providing information for the competent authorities' own risk assessment and guiding control based on risk assessments;</p> <p>(e) providing public interest information on timber origin, traceability, circulation and marketing of timber materials.</p>

	<p>(f) control of the origin, traceability, circulation and marketing of raw wood until it is first processed into other wood products;</p> <p>(g) expedient digital volume measurement assisted by Artificial Intelligence and the establishment of an electronic shipment seal allowing identification/recognition of the uniqueness of the load in case of raw wood products.</p> <p>(3) The rules referred to in paragraph 1 shall include provisions on the situations and procedure for suspending/withdrawing the right of access to the integrated forest information system.</p> <p>(4) It is prohibited to process on forest land raw wood which result from the exploitation process.</p>
<p>Se impune (conform DSA2 paragraf. (6)) definirea sortimentelor care pot face obiectul introducerii pe piață pentru lemnul domestic (i.e. care rezultă în urma procesului de exploatare a lemnului din România). Este necesar pentru a face deosebirea de materialele lemnoase ce rezultă după prima transformare a sortimentelor de lemn brut prin prelucrarea primară (și care nu pot face obiectul primei introduceri pe piață având în vedere că prelucrarea lemnului brut este interzisă în FFN).</p>	<p>Annex 1 Glossary. Raw wood products: round or split wood, with or without bark, and firewood in the form of logs, billets, sticks, twigs, branches, tendrils or similar forms, wood chippings, bark and logging waste.</p>
<p>Articolul 107. Proveniența lemnului (1) Proveniența lemnului, înțeleasă ca porțiunea de teren poziționată geografic, se certifica în sistemul informatic integrat, conform prevederilor hotărârii Guvernului prevăzută la art. 20 alin. (1).</p>	<p>Article 107. Origin of timber (1) The origin of the timber, understood as the geographically positioned portion of land, is certified in the integrated information system, according to the provisions of the Government Decision provided for in Art. 20 para. (1).</p>
<p>Anexa 1 Glosar. Proveniența lemnului: Poligonul/punctul cu coordonate geografice certe de unde s-a recoltat lemnul.</p>	<p>Annex 1 Glossary. Origin of timber: The location the timber is harvested for which there is a cutting right registered in the integrated computer system by means of the polygon/point identified with the exact geographical coordinates of where the wood was harvested.</p>

Articolul 107. Proveniența lemnului

(2) Obligațiile operatorului și comercianților privind proveniența lemnului și **trasabilitatea materialelor lemnoase** se reglementează prin hotărâre a Guvernului prevăzută la art. 20 alin. (1).

Article 107. Origin of timber

(2) The obligations of the operator and traders regarding the origin of timber and the **traceability of timber materials** are regulated by Government Decision provided for in Article 20 para. (1).

Art. 107 para. (3) **Traceability of timber materials** includes documenting and recording the following information in the integrated computer system for each stage of the chain of custody:

(a) type of wood material

(b) species,

(c) the origin of the wood

(d) the quantity of wood materials

(e) the source of the place from which the timber was legally harvested, if different from the place of harvest indicated by the source of the timber

(e) the consignee to whom the wood was supplied

Correspondence of the identified priority with the NFC articles:

Art. 109 Placing on the market of timber in conjunction with Art. 144. Falsification of forestry-related computer data

Standpoint with regards to NFS30:

- The main coordinates of timber traceability and first placing on the market (**SDA2 /OB 2.2**) **are not made sufficiently clear: (5) Measurement of the volume of wood material shall be made at the time of placing on the market by any metrologically certifiable measurement method within regulated tolerances. The measurement shall be made by persons specially authorised for this purpose, with the person making the measurement and quality assessment being held responsible. Where necessary, according to risk assessments, double-checking measures may be established: weighing, digital fingerprinting, video monitoring, etc.**
- **SDA 13.1 is not sufficiently clearly reflected** Expert control is supported by methods and tools to monitor the quantities of timber transported and the uniqueness of shipments in order to combat non-compliant practices. Penalties must be dissuasive and extended to those responsible upstream in the supply chain, with an emphasis on making authorised persons responsible for measuring timber when it is first placed on the market.

Justification:

- The main coordinates of timber traceability and first placing on the market **are not specifically reflected with** regard to the **measurement of the volume of wood material at placing on the market**, the establishment of **the responsibility of the person** doing the measurement and the **regulation of tolerances** in accordance with **EUDR** requirements.
- **No clear implementation framework** is provided that **incorporates the requirements** of the integrated forest information system with the due diligence statement required by EU Reg. 1115 /2023 (EUDR). The proposed amendments would also create **the administrative framework for holding** users accountable for reporting data to the integrated forest information system (N.B. given the legal force of the "declaration" when placed on the market).
- The Authority must **undertake to develop and maintain** those modern methods and tools for expeditious determination/verification of the quantities of timber transported and identification of the uniqueness of shipments (e.g. 'timber shipment digital fingerprinting'/electronic shipment tracking) to combat non-compliant practices. This is the only way to support the fight against the most common manner of illegal harvesting and give meaning to the vision of simplicity, transparency and efficiency.
- In order to comply with the **EUDR**, timber products made from raw wood resulting from the commission of acts which are classified as offences under this Act should be **withdrawn and, where appropriate, immediately recalled from the market.**

Articolul 109. Introducerea pe piață a lemnului

- (1) Recoltarea lemnului și introducerea pe piață a lemnului se realizează în condițiile prezentei legi.
- (2) Introducerea lemnului pe piață se realizează în platforma primară definită ca locul poziționat geografic, raportat în sistemul informațional integrat pentru păduri, unde se încheie exploatarea lemnului și se asigură îndeplinirea condițiilor necesare prevăzute de normele prevăzute la art. 20 alin. (1).
- (3) Măsurarea lemnului/materialelor lemnoase se face la încărcarea în vederea transportului, potrivit hotărârii Guvernului prevăzută la art. 20 alin. (1).

(4) Evaluarea cantitativă a materialelor lemnoase se face prin metodele incluse în normele prevăzute la art. 20 alin. (1) și prin alte metode cu utilizarea tehnologiilor moderne, aprobate de Autoritate.

Article 109. Placing timber on the market

- (1) Harvesting of timber and placing of timber on the market shall be carried out in accordance with the conditions of this Act.
- (2) The placing of timber on the market shall take place at the primary platform defined as the geographically located place, reported in the integrated forest information system, where the logging is completed and the necessary conditions laid down in the rules referred to in Article 20(1) are met.
- (3) The measurement of timber/timber material shall be made at loading for transport, according to the Government Decision referred to in Article 20 para. (1) with the following requirements.
- (a) the measurement of raw wood shall be carried out by **qualified and authorized persons responsible for the measurement.**
 - (b) **the recording of quantities of timber material in the transport documents shall be done with the specification of the percentage deviation according to the measuring method assumed by the operators/dealers, with the maximum legally permissible.**
 - (c) the unit of measurement and the maximum legally permissible deviation in the declaration of quantities transported shall be specified **according to the type of wood material**
- (3¹) The **declaration of wood materials** when placed on the market according to the requirements of Reg. EU 1115 /2023, shall be made on the basis of the entries in the **specific documents registered in the** integrated forest information system.
- (3²) Entering other data in the statement regarding placement on the market, other than the entries in the specific documents registered in the forest information system **constitutes an offence involving the counterfeiting of forestry-related computer data.**
- (4) The quantitative assessment of the timber material shall be carried out by the methods included in the rules referred to in Article 20 (1). **and by other methods using modern technologies, approved by the Authority.**
- The integrated information forestry system, developed by the competent authority responsible for forestry, provides users with technical solutions for:
- (a) digitization of shipments, including cargoes, for the timber products that can be placed on the market
 - (b) digital, automated volume measurement

<p>Articolul 108. Transportul materialelor lemnoase</p> <p>(1) Lemnul/Materialele lemnoase se transportă numai însoțite de documente specifice de transport din care să rezulte proveniența legală a acestora. Documentele specifice de transport lemn/materiale lemnoase sunt documente cu regim special.</p>	<p>Article 108. Transport Movement of timber material</p> <p>(1) Wood/timber products shall only be transported accompanied by specific transport documents registered in the integrated information forestry system showing their legal origin. The specific wood/timber products transport documents are documents with a special status.</p> <p>(5) The movement of raw timber shall be carried out only by professional transporters, qualified and authorized for this purpose, having the responsibility for transport, according to the rules laid down in Article 20.</p> <p>(6) The act of transporting undeclared quantities of timber products, if not committed in such a way as to constitute an offence, constitutes a contravention and is punishable by law.</p> <p>(7) Undeclared quantities of timber exceeding the deviations assumed by operators under Article 109(3) (b), are in one of the following situations:</p> <p style="padding-left: 40px;">a) where the issuer's electronic seal coincides with the carrier's electronic seal, have uncertain origin until the quantities undeclared by the carrier are registered, in which case they acquire legal origin if the carrier/ issuer pays the countervalue of quantities not declared to the owner/ manager in an amount double the purchase price;</p> <p style="padding-left: 40px;">b) are without legal provenance and are physically or valuably confiscated.</p> <p>(6) Determination of penalties for infringements of the rules provided for in Article 20 para. (1) on the movement of raw timber shall be made by application of a percentage of the turnover of operators/traders /professional carriers, if the acts are repetitive.</p>
<p>Articol 149. Regimul măsurilor asigurătorii și confiscarea</p> <p>(1) Materialele lemnoase rezultate ca urmare a săvârșirii unor fapte ce pot fi încadrate ca infracțiuni conform prezentei legi se ridică și se predau în custodie oculului care are sediul social cel mai apropiat de locul constatării, acesta fiind obligat să le preia. Transportatorul este obligat să transporte materialele lemnoase confiscate la locul de predare în custodie, indicat de agentul constator. Nerespectarea acestei obligații constituie contravenție și se pedepsește cu amendă contravențională de la 2000 la 5000 lei și confiscarea mijlocului de transport.</p>	<p>Article 149. Precautionary measures and confiscation</p> <p>(1) Timber material resulting from the commission of acts that may be classified as offences under this Act shall be collected and handed over in custody to the forestry office having its registered office nearest to the place where the offence was committed; the forestry office is compelled to handle the collection. The transporter shall be obliged to transport the seized timber materials to the place of custody indicated by the investigating officer. Failure to comply with this obligation constitutes an offence and is punishable by a fine of between 2000 and 5000 lei and confiscation of the means of transport.</p> <p>(1¹) Timber products obtained from raw timber resulting from the commission of acts which are classified as offences under this Act shall be withdrawn and, where appropriate, immediately recalled from the market.</p>

C. Superior timber yield and application of the cascading use of timber principle

(C) Does NOT create a clear framework for promoting the higher value of timber and applying the principles of cascading timber use.

There are **NO clear requirements** in place to promote **the chains of use of timber with the highest economic added value** so that wood as a raw material can be used in the most valuable way through **superior processing into long-life products**.

Correspondence of the identified priority with the NFC articles:

Art. 112 and Art. 110 in conjunction with Art. 23

Standpoint with regards to NFS30:

- **DOES NOT reflect** the application of **SDA 3 /OB3.5 Criteria for sustainable production of forest biomass** for energy purposes. Thus **Reform R.1 milestone (j)** of the NRDP is not met.
- **CONTRAVENES SDA1 /OB1.5 Superior utilisation** of timber in durable products and **cascading use of timber**
- **DOES NOT CLEARLY REFLECT SDA 3/OB3.1 Facilitate access** to forest resources for businesses in specific areas of activity in the forest sector, according to their **contribution to the socio-economic development of local communities**.
- **DOES NOT CLEARLY REFLECT SDA 3/OB3.2** Quantify the contribution of **vertical value chains** to the forest resource consumed
- **DOES NOT CLEARLY REFLECT SDA2 /OB 2.2** Main coordinates of timber traceability and first placing on the market: **(4) The timber estimation act will not be considered by the State a management document.**

Justification:

- The draft Forestry Code does not create the legal framework to operationalise through subsequent legislation the **criteria for sustainable production of forest biomass** used for energy purposes. NFS30 only sets as an objective (SDA3 /OB3.5 3.5) that the forest sector applies sustainability criteria for the production of biomass for energy use. If these criteria are not established in the Forest Code as an organic law, in conjunction with specific renewable energy legislation, they cannot be further developed through subsequent legislation.
- The draft proposes a **new definition for higher timber yield, which is highly open to interpretation and contradicts SDA1 /OB1.5**. However, it is clear that the suggested definition **is no longer aimed** at promoting the use of timber by forest managers **in the form of processed timber categories**, whereby each category can be given the appropriate industrial use to **maximise added value and cascade use**.
- In order to promote superior timber value and **eliminate systemic conflicts of interest** in the current system of standing timber yield (i.e. estimated volume of standing timber paid in advance - see Art. 23), for publicly owned forests, the sales contract should provide that payments for harvested timber **should be strictly related to the quantities of raw timber** placed on the market.
- Timber harvesting rules put in place must **bring clarity** on the development of subsequent legislation so that objectives **cannot be deflected**. See the effects generated in the period 2015-2017, when on the grounds of the same legal text (which closely resembled the NFC proposals), 5 versions of the Regulation were drafted in 3 years (versions which included successive provisions that were totally contradictory).
- The project does not reflect the implementation of SDA 3/ Objective 3.1 **Facilitating access to forest resources** for businesses operating in areas specifically related to the forestry sector, **according to their contribution to the socio-economic development of local communities**; It does not establish clear mechanisms for the achievement of Objective 3.2 Contribution of the sector to the sustainable socio-economic development of local communities, **through vertical value chains related to the used forest resource**, increased by 10% by 2030.
- With the entry into force of EU Reg. 1115 /2023 (EUDR) **the traceability of any timber product back to the place of harvesting** becomes an obligation. Thus, through traceability **information systems, it would be possible** to assess: (i) **the local socio-economic contribution** and (ii) **the carbon footprint** generated by the **vertical value chains** of timber harvesting, processing and marketing activities, **in relation to the quantity of wood used**. It is essential that **public tenders** on the sale of timber from publicly owned forests to be able to apply these **award criteria** as well, not only the direct price offered for the raw resource of

timber. For state-owned public forests, the Government is best entitled to decide on the **allocation "formula"** as it has the ability but also the responsibility to **quantify the benefits generated by** the vertical value gains from processing the timber downstream of the forest and not just the price obtained from the immediate sale of timber.

- Only by promoting **the principles of cascading timber use**, through chains of **superior timber processing** into **long-life** products that incorporate the highest **added economic value**, can we ensure **less pressure on forests** and that we support **close-to-nature forestry** that produces higher-value timber/coarse timber categories (N.B. that are produced through long production cycles).
- **Sustainable management** of a natural resource can only be established if **local communities benefit** from the resource. Only if local communities understand the need for and feel the benefits of processing that resource can we ensure long-term solutions. It is therefore a matter of **public interest** what happens to timber resources harvested from publicly owned forests, and society has shown that it understands the importance of **superior timber use**.
- The management of public forests and the exploitation of timber must be carried out in the interest of the citizens, intrinsic to the public service obligations, as forests are **a national interest good** and must not be replaced by commercial services to maximise the rate of profit for a particular company. We also bear in mind that for public service obligations, the current **administrative form** of the National Forestry Authority **should not be changed** into a commercial company, bearing in mind the provisions of Law 187 /2023 on corporate governance of public companies.
- The adoption of these rules on timber yield as outlined above is in line with European principles and regulations on competition, the European Forestry Strategy (Chapter 3.1 Guiding Principles "Efficient use of resources, optimising the contribution of forests and the forestry sector to rural development, economic growth and the creation of new jobs") or EU Directive 1164 /2016 (which highlights the need to guarantee payment of taxes where profits and value are generated). Moreover, it would also have implications for combating: undeclared work, tax evasion and illegal logging.
- The new Forestry Code must ensure **correspondence with European forestry regulations**, such as:
 - (EU) Regulation 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land-use change and forestry activities in the 2030 climate and energy policy framework (**LULUCF Regulation**),
 - (EU) Directive 2023/2413 of the European Parliament and of the Council of October 18th, 2023 amending (EU) Directive 2018/2001, (EU) Regulation 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources and repealing (EU) Council Directive 2015/652 (*revised RED II* or **RED III**),
 - (EU) Directive 2022/2464 of the European Parliament and of the Council of December 14th, 2022 amending (EU) Regulation No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU as regards sustainability reporting by companies (*Corporate Sustainability Reporting Directive - CSRD Directive*).

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<p>Articolul 110. Reguli de valorificare a lemnului</p> <p>(1) Valorificarea lemnului de pe terenurile din FFN proprietate publică se face în conformitate cu regulamentul de valorificare aprobat prin hotărâre de Guvern și se realizează ținând cont de următoarele obiective:</p> <p>(a) valorificarea superioară a lemnului;</p> <p>(b) sprijinirea dezvoltării rurale prin prelucrarea locală a lemnului;</p> <p>(c) prioritatea alocării resurselor de materiale lemnoase din pădurile proprietate publică, necesare încălzirii locuințelor;</p> <p>(d) asigurarea condițiilor concurențiale pe piața lemnului;</p> <p>(e) transparența comercializării lemnului și materialelor lemnoase;</p> <p>(f) minimizarea impactului exploatării lemnului, conform criteriilor prevăzute la art. 102;</p>	<p>Article 110. Rules for timber yield</p> <p>(1) The harvesting of timber from publicly owned FFN land is carried out in accordance with the harvesting regulations approved by Government decision and is carried out taking into account the following objectives, which are public service obligations as defined in Article 2 of Law 187/2023:</p> <p>(a) higher wood yield;</p> <p>(b) Supporting rural development through local wood processing, including: (i) appropriate sizing of the logs/log groupings to take into account local logging capacity; (ii) appropriate sizing of lots by building wood categories, so as to take into account local processing needs/capacity.</p> <p>(c) the priority of allocating wood material resources from publicowned forests, necessary for heating homes in a conditionally manner by the higher timber yield</p>

<p>(g) crearea cadrului de dezvoltare și stabilitate pentru sectorul de exploatare prin contracte-cadru multianuale pentru prestări de servicii de exploatare.</p> <p>(h) asigurarea cu prioritate de masă lemnoasă pentru producătorii din industria mobilei, din păduri proprietate publică a statului, sub formă de lemn fasonat, pe baza necesarului anual estimat. Aceștia au drept de preempțiune la cumpărarea de masă lemnoasă, la oferta de preț și în condiții egale de vânzare.</p>	<p>and the unavailability of alternative energy infrastructure or improved energy efficiency.</p> <p>(d) ensuring competitive conditions in the timber market, including the adoption of objective and transparent criteria for the selection of own-owned or contracted out woodlots by public forest managers;</p> <p>(e) transparency in the marketing of timber and timber products;</p> <p>(f) minimising the impact of timber harvesting in accordance with the criteria set out in Article 102;</p> <p>(g) creating a framework for development and stability for the logging sector through multi-year framework contracts for the provision of logging services and establishing the right of pre-emption for forest dependent communities.</p> <p>(h) priority provision of wood for furniture industry producers from state-owned forests in the form of shaped timber, based on estimated annual needs. They have the right of pre-emption for the purchase of timber on the basis of a price offer and equal conditions of sale.</p> <p>(i) Prioritising access to purchase of standing and/or raw timber according to the contribution to socio-economic development achieved through local vertical value chains of harvesting, processing and marketing activities, in relation to the quantity of timber consumed;</p> <p>(j) ensuring access for forest-dependent communities to purchase the wood on which they depend in accordance with the provisions of Article 100(4);</p>
	<p>(6) In the context of the sale of standing timber for publicly owned forests, the sales contract stipulates that payments for harvested timber are strictly related to the quantities of raw timber placed on the market.</p> <p>(7) Legal entities using industrial timber harvested from privately owned NFF land are compelled to apply the principles of cascading use of timber and ensure the traceability of the following criteria cumulatively:</p> <p>a) local socio-economic input,</p> <p>b) the carbon footprint generated by the vertical value chains of timber harvesting, processing and trading activities, relative to the quantity of wood consumed.</p>
<p>Articolul 112. Valorificarea superioară a lemnului</p> <p>(1) În sensul prezentei legi, valorificarea superioară a lemnului semnifică modul de valorificare a lemnului în produse de folosință îndelungată, apte pentru utilizarea lemnului în cascadă și cu valoare socio-economică și de mediu ridicată.</p> <p>(2) Statul încurajează, prin politici de achiziție publică și instrumente economice, utilizarea lemnului în construcții cel puțin pentru clădirile și infrastructura aparținând domeniului public.</p> <p>(3) Statul încurajează, prin politici publice și instrumente economice, utilizarea energetică eficientă a resursei de lemn.</p>	<p>Article 112. Superior timber yield and application of the cascading use of timber (1)</p> <p>For the purposes of this law, higher timber yield means the use of timber in products of long life, suitable for the cascading use of timber and of high socio-economic and environmental value. is defined as the sale of wood in the form of processed wood assortments, whereby each assortment is given the appropriate industrial use to maximise the added economic value and the cascading use of the wood.</p> <p>(1¹) (a) For the marketing of raw wood/wood materials from the publicly owned forestry fund, the competent authority responsible for forestry approves,</p>

	<p>within 6 months from the entry into force of the law, the national standard for shaped wood categories, applicable to the marketing of raw wood from publicly owned forests by forest managers.</p> <p>(1²) (b) The lots of timber material marketed by managers of publicly owned forests shall consist of only one category.</p> <p>(2) The State encourages the fosters higher timber yield through vertical value chains, public procurement policies and economic instruments, the use of wood in construction at least for buildings and infrastructure in the public domain.</p> <p>(3) For the implementation of the economic incentives referred to in paragraph 2, the State shall ensure consistency with the principle of cascading biomass use through the use of wood according to the highest social, economic and environmental added value, in the following order of priorities:</p> <ul style="list-style-type: none">a) wood-based products,b) extending the life of wood-based products,c) reuse,d) recycle,e) bioenergy,(d) disposal. <p>(4) The rules for the recovery of timber referred to in Article 110 shall also establish the conditions for the sale of standing timber and raw timber by public auction, taking into account the following award criteria:</p> <ul style="list-style-type: none">a) price offered;b) contribution to socio-economic development through vertical value chains of timber harvesting, processing and marketing activities at national level, in relation to the quantity of timber consumed.c) the carbon footprint generated by the vertical value chains of timber harvesting, processing and trading activities at national level, relative to the amount of wood consumed. <p>(5) Within 6 months of the adoption of this Code, sustainability and greenhouse gas emission reduction criteria for biomass fuels used in heating, electricity and cooling installations from national forests or agricultural land in agroforestry use shall be approved by Government decision, following the proposition of environmental and energy authorities.</p> <p>(6) It is prohibited to use biomass fuels from national forests or from agricultural land used for agroforestry purposes in installations producing heating, electricity and cooling without complying with the sustainability criteria set out in paragraph 5.</p>
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D. Integrating biodiversity conservation into forest management

(D) Significant deficiencies in integrating biodiversity conservation into forest management.

The **minimum benchmark** for "minimum ecosystem services" is extremely diluted, even allowing **forest degradation** as understood ecologically and even economically (below the level of conservation interest as property). Conservation concepts **are not defined correctly**. The **equitable integration of biodiversity** into forest management is **approached contradictorily**; the unified set of management measures specific to national and European conservation objectives is not established. Conservation methods are **incomplete and inconsistent**.

The **use of invasive species** is allowed for the establishment of plantations and forest protection hedges on agricultural land.

Correspondence of the identified priority with the NFC articles:

Art. 83, Art. 69 and Art. 24 in conjunction with the definition in the glossary of terms (i.e. forest degradation)

Art. 83-85 and Art. 89 in conjunction with Art. 61 and Art. 63-64 respectively

Art. 1(3) in conjunction with Art. 86(2) and Art. 87(4)

Art. 119

Relationship with NFS30:

- **FLAGRANT CONTRAVENTION** of Strategic Direction for Action **SDA5 /OB.5.1** Integrating biodiversity conservation into forest management through minimum biodiversity outcome targets to be achieved. Lack of regulatory framework for the implementation of updated Technical Standards providing the necessary obligations for the equitable integration of biodiversity into forest management and a unified set of management measures specific to national and European conservation objectives. (e.g. habitats, species, nature monuments, etc.).
- **FLAGRANT CONTRAVENTION** of Strategic Direction **SDA 5 /OB. 5.3** List of ecosystem types with conservation value in the forest estate
- There is not enough clarity for the implementation of **SDA 11 / OB.11.2** Establish a minimum level of obligations regarding forest management and introduce outcome obligations in the technical regulatory framework
- There is not enough clarity for the implementation of **SDA4 /OB.4.1** Rationale for criteria for identifying forests with a socio-cultural role - biodiversity elements that are important from a socio-cultural perspective.
- **FLAGRANT CONTRAVENTION** of **SDA 7 / OB 7.2** Limiting the use of **invasive alien woody species** in afforestation compositions
- **Contravention** of strategic line of action **SDA 11 / OB.11.1 11.1 Uniform national forest management planning requirements, differentiated according to the size of the forest estate, implemented from 2023 onwards**, for forests in protected natural areas, forest management integrates the requirements of their management plans, regardless of the size and nature of the forest estate.

Justification:

- **The minimum reference level** for "minimum ecosystem services" (N.B. the level beyond which any measure of a restrictive nature **can only be imposed with fair compensation**) should not be limited to the minimum requirements imposed by UE Reg. "deforestation-free" (EUDR). The obligations regarding the **continuity** of minimum ecosystem **services should not be limited to 'forest degradation'**, which is understood only in the case of conversion of natural forests to plantations. In this form, the obligations of forest owners **become extremely diluted** (almost cancelled). They do not even reflect the duties related to the **direct interest of protecting & preserving one's own property**. Considering the aspects above, supporting responsible forest management through financial compensation mechanisms **becomes unlikely** due to lack of funds, or becomes rather **inequitable, including from the perspective of sustainable management**.
- **Minimum** ecosystem services should also explicitly include specific measures for: prevention of **land and forest degradation, conservation of biodiversity** (according to the rules set out in Art. 83(2)), maintenance/enhancement of **forest resistance/resilience**, prevention of the effects of natural hazards

<p>and adaptation of forests to climate change (in accordance with the rules laid down in Article 81), as well as ensuring the continued sustainable production of wood for forests with a productive role.</p> <ul style="list-style-type: none"> The minimum level of regulation should be differentiated by planning rules according to the scale and intensity of the risks (specific conditions should be detailed by forestry rules). 	
Draft Legislation Forestry Code - Public Version, December 2023	WWF România amendments
<p>Articolul 24. Servicii ecosistemice minimale</p> <p>(1) Proprietarii, respectiv administratorii de păduri, au obligația asigurării condițiilor pentru furnizarea de către păduri a serviciilor ecosistemice minimale.</p> <p>(2) În sensul prezentei legi, prin furnizarea serviciilor ecosistemice minimale de către păduri se înțelege obligația asigurării condițiilor pentru regenerarea pădurii, evitarea degradării terenurilor și pădurii și promovarea regenerării naturale atunci când este posibil din punct de vedere tehnic.</p> <p>(3) Obligația asigurării condițiilor pentru furnizarea de către păduri a serviciilor ecosistemice minimale prevăzute la alin. (2) se stabilește diferențiat, în raport de mărimea proprietății, astfel:</p> <p>(a) prin cele instituite la art. 23 alin. (4) din prezenta lege, în sarcina proprietarilor terenurilor cu suprafețe de maxim 10 ha inclusiv;</p> <p>(b) prin stabilirea nivelului minim de reglementare prin amenajamente silvice corespunzător grupei a II-a funcționale, în acord cu prevederile normelor tehnice pentru amenajarea pădurilor, pentru proprietarii terenurilor cu suprafețe mai mari de 10 ha.</p>	<p>Article 24. Minimum ecosystem services</p> <p>(1) Forest owners and forest administrators respectively are obliged to ensure the conditions for the provision of minimum ecosystem services by forests. .</p> <p>(2) For the purposes of this Act, the provision of minimum ecosystem services by forests means the obligation to ensure conditions for forest regeneration, to avoid land and forest degradation and to promote natural regeneration where technically feasible.</p> <p>(a) promoting natural forest regeneration and forest continuity;</p> <p>(b) preventing land and forest degradation;</p> <p>(c) conservation and enhancement of biodiversity in accordance with the methods set out in Article 83(2)</p> <p>(d) maintaining and, where appropriate, increasing the resistance, resilience of forests, preventing the effects of natural hazards and adapting forests to climate change in accordance with the rules laid down in Article 81;</p> <p>(f) ensuring continued sustainable timber production for forests with a productive role</p> <p>(3) The obligation to ensure conditions for the provision by forests of the minimum ecosystem services referred to in paragraph (2) shall be differentiated according to the size of the property as follows:</p> <p>(a) by those established in Article 23 para. (4) of this law, commissioned to land owners of up to and including 10 ha;</p> <p>(b) by establishing the minimum level of regulation through forestry planning corresponding to functional group II, in accordance with the provisions of the technical rules for forest management, commissioned to owners of land greater than 10 ha.</p>
<p>Anexa 1. Glosar termeni</p> <p>Degradarea pădurilor: Modificări structurale ale suprafețelor împădurite care constau în transformarea:</p> <p>(a) pădurilor primare sau a pădurilor regenerate în mod natural în culturi forestiere intensive; sau</p> <p>(b) pădurilor primare în păduri regenerate artificial.</p>	<p>Annex 1. Glossary of terms</p> <p>Forest Degradation: Structural changes in forested areas consisting of conversion:</p> <p>(a) primary forests or naturally regenerated forests under intensive forest cultivation; or</p> <p>(b) primary forests into artificially regenerated forests.</p> <p>Significant anthropogenically induced structural changes in forest ecosystems leading to significant and long-term reductions in the productive capacity and/or ecological functions of forests.</p>

Justification:

- The draft Forestry Code treats forest biodiversity as a whole and the conservation of biodiversity in forests located in natural areas in a disparate and inconsistent manner, at least from the perspective of their management. **Two different visions are put forward with completely different aims.** On the one hand, Article 64 puts forward the vision of adopting sustainable forest management plans, valid for 20 years, at regional level, in the context of which the forestry plans establish the forestry works within the framework of the corresponding sustainable forest management plan, **treating separately (restrictively, including from the point of view of environmental procedures) the forestry plans that overlap totally/partially with protected natural areas of community interest.** However, it should be noted that there is a serious contradiction with Article 61, which states that '*the management of NFF shall be regulated by forestry planning*', which means that **planning is not just a planning of works, as the provisions of Article 64 wrongly try to imply.** At the same time, the draft Forestry Code lays down, as a matter of principle, **the forms and modalities of conservation and enhancement of biodiversity** by: adopting measures specific to close-to-nature forestry; adopting measures to create and/or maintain mosaic forest landscapes; ensuring ecological connectivity, including through ecological corridors; maintaining standing and ground dead wood; maintaining and protecting habitat trees; establishing ageing islands as stands or parts of stands; maintaining as high a percentage as possible of naturally regenerated forests from seed; maintaining or, where appropriate, creating forest vegetation corridors along watercourses; maintaining a high level of wildlife species diversity (Article 83). In this regard, the draft law stipulates that the achievement of the objectives of forest management and the conservation of biodiversity and its functions shall be monitored by means of scientifically based condition indicators regulated by technical forestry rules (Article 85). By implementing the forms and modalities listed, Article 89 **establishes the vision that the role of forest management for forests in protected natural areas is that of a planning tool for achieving the objectives of protected natural areas.** The contradiction between the two visions is evident and the latter needs to be embraced in order to be in line with the NFS30 and the European guidelines in this field and new approaches (i.e. the [proposal for a Regulation of the European Parliament and of the Council on a monitoring framework for resilient European forests](#)). Last but not least, it should be noted that the forestry authority sets itself up as the environmental protection authority and establishes a derogatory way of applying environmental protection procedures (strategic environmental assessment and appropriate assessment), which goes beyond the framework imposed by the specific environmental legislation.

Draft Legislation Forestry Code - Public Version, December 2023**Articolul 63. Elaborarea amenajamentelor silvice**

(5) Amenajamentele silvice se elaborează pentru o perioadă de 10 ani, cu excepția celor întocmite pentru pădurile de plop, salcie și alte specii repede crescătoare, care se elaborează pentru o perioadă de 5 sau de 10 ani.

(13) Cheltuielile aferente elaborării amenajamentelor silvice pentru alte tipuri de proprietate forestieră decât cea prevăzută la alin. (12), se suportă de către proprietar.

WWF România amendments**Article 63. Preparation of forestry plans**

(5) Forest management plans shall be drawn up for a period of 10 years, except for those drawn up for forests of poplar, willow and other fast-growing species, which shall be drawn up for a period of 5 or 10 years. [Forestry plans drawn up for forests in protected natural areas shall be valid for the period of validity of the management plans of the protected natural areas with which they overlap.](#)

(13) Expenditure relating to the preparation of forestry plans for forest ownership other than that referred to in paragraph (12) shall be paid by the owner, [except for forests located in protected natural areas for which the preparation of forestry plans shall be borne from the budget of the authority responsible for environmental protection.](#)

<p>Articolul 64. Evaluarea de mediu și avizarea amenajamentelor silvice (5) Avizarea amenajamentelor silvice se realizează în Comisia Tehnică de Avizare pentru Silvicultură din cadrul Autorității, a cărei funcționare se reglementează prin Metodologia aprobată prin ordin al Autorității. (6) Informațiile de interes public din planurile de gestionare durabilă a pădurilor/ amenajamentul silvic se publică de către Autoritate pe site-ul propriu.</p>	<p>Article 64. Approval of forestry plans In Article 64, paragraphs 1 to 4 and 7 to 11 are deleted. (1) The approval of forestry plans is carried out in the Technical Approval Commission for Forestry of the Authority, whose functioning is regulated by the Methodology approved by order of the Authority. The Technical Commission for Forestry Approval must include a representative of the Environmental Protection Authority for the approval of forestry plans drawn up for forests located in protected natural areas. (2) Information of public interest in the forestry planning shall be published by the Authority on its website. (3) Information referred to in paragraph (2) shall be laid down by order of the Head of the Authority approved within 6 months of the entry into force of this Code.</p>
<p>Justification:</p> <ul style="list-style-type: none"> • According to the provisions of NFS30, natural marginal habitats in NFF (i.e. natural karst, cliffs, swamps, bogs, scrublands, alluvial forests, woodland glades) are considered to be ecosystems of high conservation value that should contribute to the 10% strict protection target. Natural marginal habitats containing ecosystems of high conservation value should not be considered (in accordance with Art. 1(3)) non-productive land (N-lands) or land for feeding game and producing fodder (V-lands). In such a framework, they cannot be assigned a protective function by the forestry plan. • In order to ensure an adequate protection regime that contributes to the completion of the National catalogue of strictly protected forest ecosystems (in acc. with Art. 87), "marginal natural habitats of high conservation value" should be designated as a separate use category (distinct from non-productive man-made land). • The list of types of forest ecosystems with high conservation value in the forest fund (Art. 86, para. 1) does not include rare, threatened, endangered, nationally representative forest ecosystems, i.e. marginal natural habitats with high conservation value: natural karst, cliffs, swamps, bogs, scrublands, alluvial forests, woodland glades. These should be clearly confirmed as ecosystems of high conservation value. • Given that the establishment and completion of the national catalogue of strictly protected forest ecosystems is limited (in acc. with Art. 87 paragraph (4)), to the inclusion of stands that meet the criteria for classification in one of the categories of forest ecosystems with high conservation value provided for in Art. 86, para (1), the following must also be taken into account: (i) forests included in the UNESCO heritage and the related protective buffer zone, (ii) forest ecosystems with high conservation value of national interest, (iii) forests essential for the conservation of genetic variability of forest species characteristic at national level (especially in the context of urgent adaptation to climate change) and (iv) other areas with conservation value identified by scientific studies approved by the Environmental Authority (i.e. Investment measure I 3.2 /PNRR Identification of potential areas of strict protection in terrestrial and marine natural habitats in view of the implementation of the EU Biodiversity Strategy 2030). We reiterate also on this occasion WWF proposals on the identification of areas of strict protection 10% https://cdn.wwf.ro/uploads/2023/01/18140708/Zone-de-protectie-stricta-obiectiv-10-abordare-strategica-criterii-de-identificare.pdf 	
<p>Art.1, alin (3), lit (i) terenuri pe care sunt amplasate iazuri, terenuri care constituie albiile minore ale pâraielor care nu se încadrează în prevederile art. 3 alin. (1) din Legea apelor nr. 107/1996, cu modificările și completările ulterioare, precum și terenuri neproductive, incluse în amenajamentele silvice</p>	<p>Art.1, para. 3, (i) land on which ponds are located, land constituting the minor riverbeds of streams which do not fall under the provisions of Art. 3 para. (1) of the Water Law No 107/1996, as subsequently amended and supplemented, habitats marginal natural areas of high conservation value and non-productive land of anthropogenic origin, included in forestry planning.</p>

<p>Articolul 86. Ecosisteme forestiere și alte elemente cu valoare ridicată de conservare</p> <p>(1) Constituie ecosisteme forestiere cu valoare ridicată de conservare:</p> <ul style="list-style-type: none"> a) pădurile virgine și cvasivirgine cuprinse în Catalogul Național al Pădurilor Virgine și Cvasivirgine; b) rezervațiile științifice; c) arboretele din rezervațiile naturale cu regim strict de protecție; d) arboretele declarate monumente ale naturii; e) arboretele din zonele strict protejate și de protecție integrală ale ariilor naturale protejate; f) jnepenișurile din FFN. 	<p>Article 86. Forest ecosystems and other elements of high conservation value</p> <p>(1) The following represent forest ecosystems of high conservation value:</p> <ul style="list-style-type: none"> a) virgin and quasi-virgin forests included in the National Catalogue of Virgin and Quasi-virgin Forests; b) scientific reserves; c) stands in nature reserves under strict protection; d) stands declared monuments of nature; e) stands in strictly protected and integral protection areas of protected natural areas; f) mountain pines and other marginal natural habitats of high conservation value: natural karst, cliffs, wetlands, bogs, scrublands, alluvial forests, woodland glades in NFF. g) forest ecosystems of high conservation value of national interest, defined by standards; h) forests included in the UNESCO heritage and protection buffer sub-area designated by management plans approved by the Forestry Authority; i) forests included in the National Catalogue of Forest Genetic Resources for the conservation of genetic variability of nationally characteristic forest species; j) other areas of high conservation value identified by scientific studies approved by the Environmental Authority.
<p>Justification:</p> <ul style="list-style-type: none"> • For forest management to integrate biodiversity conservation, it needs to take into account biodiversity elements to be defined by forestry rules/good practice guidelines. • The provisions of Art. 86, paragraph (2) mix internationally recognized concepts (i.e. "high conservation values") implemented for decades in Romania with best practice measures for in-situ conservation of stands set out in Art. 83 paragraph (2). Tree-habitats should not be a criterion for the designation of forests in the national catalogue of strictly protected forest ecosystems (ref. Art. 87(4)). The concept of biodiversity elements of particular value for maintaining a high level of diversity of wild flora and fauna species should be introduced. • The forms and modalities of biodiversity conservation and enhancement provided for in paragraphs 1 and 2 shall be mandatory. To correlate with the definition of minimum ecosystem services, only the level of implementation is differentiated: the mandatory level expressed by forestry rules and the voluntary recommendations expressed by guidelines. In relation to the provisions of Art. 83, the difference between mandatory measures (standards) and voluntary measures (guidelines) should be reflected by distinctly set value thresholds (i.e. number of tree-habitats/ha, volume of deadwood, size of the forest island network, number of trees/hectare, volume of deadwood, the size of the ageing island network, etc.). 	
<p>Art. 86, alin (2) Au valoare ridicată de conservare: arborii-habitat, arborii cu valoare deosebită identificați ca atare în diferite acte normative, arborii remarcabili din afara FFN, arborii din insulele de îmbătrânire, precum și habitate marginale naturale cu valoare conservativă care se găsesc pe terenurile neproductive din FFN.</p>	<p>Art. 86, para. (2) The following have high conservation value: habitat trees, trees of special value identified as such in various normative acts, outstanding trees outside the NFF, trees on ageing islands and elements of biodiversity of special value defined as such by norms. as well as natural marginal habitats with conservation value found on non-productive land in NFF.</p>

<p>Articolul 83. Forme și modalități de conservare și ameliorare a biodiversității</p> <p>(2) Conservarea și ameliorarea biodiversității pădurilor se realizează prin: (a) adoptarea de măsuri specifice silviculturii apropiate de natură;</p> <p>(b) adoptarea de măsuri pentru crearea și/sau menținerea peisajului forestier mozaicat;</p> <p>(c) asigurarea conectivității ecologice, inclusiv prin coridoare ecologice;</p> <p>(d) menținerea de lemn mort pe picior și pe sol;</p> <p>(e) menținerea și protejarea arborilor-habitat;</p> <p>(f) constituirea de insule de îmbătrânire ca arborete sau părți de arborete;</p> <p>(g) menținerea unui procent cât mai ridicat de păduri regenerare natural din sămânță;</p> <p>(h) menținerea sau, după caz, crearea unor culoare de vegetație forestieră în lungul cursurilor de apă;</p> <p>(i) menținerea unui nivel ridicat de diversitate a speciilor de floră și faună sălbatică.</p>	<p>Article 83. Ways and means of conserving and enhancing biodiversity (2)</p> <p>The conservation and enhancement of forest biodiversity shall be achieved by:</p> <p>(a) adopting measures specific to close-to-nature forestry;</p> <p>(b) adopting measures to create and/or maintain the mosaic forest landscape;</p> <p>(c) ensuring ecological connectivity, including through ecological corridors;</p> <p>(d) keeping standing and on the ground dead wood within the required ecological limits;</p> <p>(e) maintaining and protecting habitat trees;</p> <p>(f) the establishment of ageing islands as stands or parts of stands;</p> <p>(g) maintaining as high a percentage of naturally regenerated forests as possible from seed;</p> <p>(h) maintaining or, where appropriate, creating forest vegetation corridors along watercourses;</p>
<p>(3) Măsurile cu caracter obligatoriu necesare pentru conservarea biodiversității sunt prevăzute în normele tehnice prevăzute la art. 66 alin. (2).</p> <p>(4) Măsurile cu caracter voluntar sunt stabilite în ghidurile de bune practici prevăzute la art. 66 alin. (3).</p>	<p>(i) maintaining a high level of diversity of species of wild flora and fauna by protecting elements of biodiversity of special value defined by technical rules.</p> <p>(3) Measures The level of implementation of mandatory forms and modalities of biodiversity conservation and enhancement is regulated in the technical rules referred to in Art. 66 para. (2).</p> <p>(4) Measures The level of implementation of the recommended voluntary forms and modalities of biodiversity conservation and enhancement are set out in the guides to good practice referred to in Article 66 (3).</p>
<p>Articolul 69. Silvicultura apropiată de natură</p> <p>Lucrările de îngrijire și conducere a arboretelor și tratamentele silviculturale sunt parte componentă a modelului silviculturii apropiate de natură, aplicat pentru gestionarea FFN, iar executarea acestora se realizează prin ghiduri de bune practici prevăzute la art. 66 alin. (3).</p> <p>Justification:</p>	<p>Article 69. Forestry close to nature</p> <p>The tending and management works of stands and silvicultural treatments are part of the close-to-nature forestry model applied for the management of NFF, and their execution is carried out through rules, and where appropriate, good practice guidelines provided for in Article 66 para. (2), (3).</p>
<ul style="list-style-type: none"> • Contrary to NATIONAL RECOVERY AND RESILIENCE PLAN/NRRP/R.1 on restricting the use of invasive species: "Romania will create safeguards, in particular to exclude the use or release of invasive alien species". NFS30 as a milestone of the NRRP provides through SDA 7 / OB 7.2 for the restriction of the use of invasive alien wood species in afforestation compositions (except where their use is regulated by Law 100/2010 on afforestation of degraded land). • Establishment of plantations outside NFF using invasive species should not be allowed. The use of forest species adapted to local conditions is necessary, but only those that are not invasive. 	
<p>Articolul 119. Împădurirea terenurilor cu destinație agricolă</p> <p>Înființarea de plantații cu specii forestiere și de perdele forestiere de protecție pe terenurile cu destinație agricolă se poate face cu orice specii lemnoase forestiere adaptate condițiilor locale, dar care ating minim 5 m la maturitate, inclusiv arbuștii forestieri.</p>	<p>Article 119. Afforestation of agricultural land</p> <p>The establishment of plantations of forest species and forest shelterbelts on land used for agricultural purposes may be established with any forest wood species adapted to local conditions which are not declared invasive for forestry, but reaching a minimum of 5 m at maturity, including forest shrubs.</p>

E. Transparency & participatory processes

(E) It does not outline an administrative framework and tools to support transparency & participatory processes. The provisions of the New Forestry Code are contrary to the Strategic Directions for Action set out in the National Forest Strategy (NFS30)	
Draft Legislation Forestry Code - Public Version, December 2023	WWF România comments
<p>Articolul 12. Ocoalele silvice (1) lit b) ocoale silvice de regim, care sunt înființate, în condițiile legii, de proprietarii de terenuri din FFN încadrați la art. 7, alin. (1), lit. c)-e), ori de asociații de proprietari constituite de către acestea.</p>	<p>Contravenes SDA11 /OB11.4 It should be possible for forestry offices to be set up by administrative units or by any other natural or legal persons, under the conditions laid down by law, in order to obtain an operating permit issued by the Authority. The conditionings should solely concern the capacity and professionalism of these entities. There should be no restriction on the establishment of forestry offices by NFF landowners only. On the contrary, the establishment of such offices should be endorsed by independent entities, in order to avoid any potential conflict of interest or undue interference by the owner /politics in forest management.</p>
<p>Articolul 15. Consiliul Național pentru Silvicultură (1) Se înființează Consiliul Național pentru Silvicultură, denumit în continuare CNS, ca organizație profesională din domeniul silvicultură, fiind o entitate de interes public, cu personalitate juridică, neguvernamentală, apolitică și fără scop patrimonial. Conducerea CNS este asigurată de o comisie permanentă formată din reprezentanți ai mediului academic și de cercetare, reprezentanți ai autorității și ai mediului profesional silvic. (3) Consiliul analizează modul de exercitare a profesiei în condiții de etică și respectarea standardelor profesionale de către personalul silvic, cu excepția personalului silvic care are statutul de funcționar public.</p>	<p>Contravenes SDA14 /OB.14.3 The participatory process does not involve all categories of stakeholders. Given that the role of the National Forestry Council/NFC is to "develop recommendations, proposals, warnings and advisory opinions to the Authority on policies, strategies and other documents of a programmatic nature, on regulatory acts relevant to the forestry sector", we deem it necessary to organise NFC members in chambers representing all categories of legitimate interests: environmental, social and economic. We draw attention to the fact that the current form omits representatives of the administration of protected areas or those of local communities that have a direct link with forestry-relevant legislation. In view of the "apolitical" nature, we consider it inappropriate for representatives of the authority to participate as NFC members. Forestry is subject to the forestry regime and is not a liberal profession. Therefore the NFC should not be looking at how the profession is practised. However, it would be very useful for the NFC to be able to evaluate, where appropriate, performance indicators for administration of publicly owned forests.</p>
<p>Articolul 18. Instrumente de monitorizare a sectorului silvic. Raportarea rezultatelor monitorizării. (1) Autoritatea stabilește proceduri de colectare, validare, corelare, armonizare și raportare a informațiilor din sectorul forestier, prin instrumente specifice aprobate prin ordin al Autorității. (2) Autoritatea desemnează structura care coordonează implementarea procedurilor prevăzute la alin. (1), prin ordin al Autorității.</p>	<p>Contravenes SDA13 /OB.13.1. The "institutional framework and system of performance indicators to measure the effectiveness of control" is not explicitly established. It is essential to establish a regular assessment report on the quantification of illegal timber harvesting at national level, highlighting the evolution of the modus operandi and specific risk factors. Only in this way will it be possible to objectively assess the performance of the system to combat illegal harvesting. Contravenes DSA 2 /OB.2.3. Public reporting on the timber market/timber</p>

<p>(3) Autoritatea publică anual, până la data de 30 septembrie a anului următor, pe pagina de internet proprie, raportul privind starea pădurilor, care conține informații furnizate pe baza procedurilor stabilite în temeiul alin. (1). ”</p>	<p>balance is not clearly/explicitly laid down. Undertaking this reporting would compel the authority to develop and implement a methodology dedicated to estimating the level of illegal timber harvesting at regional/national level.</p>
<p>Articolul 19. Inventarul Forestier Național (2) Metodologia de colectare, prelucrare și raportare a informațiilor din IFN se aprobă prin ordin al conducătorului Autorității în termen de maxim 18 luni de la data intrării în vigoare a prezentei legi. Metodologia se auditează periodic de către experți în inventar forestier național.</p>	<p>Consolidation DS9 /OB 9.1 Not only the methodology needs to be independently audited. The auditing of the implementation & interpretation of National Forest Inventory/NFI results must also be done in a transparent framework with the participation of independent NFC representatives. Attention! In 2018 - 2019, it was not the NFI methodology that stirred up those huge national/European controversies. In fact, what fuelled the controversy were the results and, more precisely, their misinterpretation.</p>