

THE MAIN CHANGES OF THE ROMANIAN FOREST CODE IN 2015

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Abstract: *This paper analyzes the main changes to the Forest Code of Romania, in 2015, after two years of discussions, controverses and delays. Even if we recognize some improvements to the code above, we noted that many regulations remained controversial, such as increasing the area that can be removed from the forest to build vacation homes or ambiguity related to what and who establishes "situations exceptional" allowing forest cutting in natural parks.*

Key words: *forest, legislation, natural parks, regulations, wood*

INTRODUCTION

After six years in which, unfortunately, we could see all the problems of ambiguity previous code, even felt the need to improve as rapidly as the existing legal framework in forestry. It was a debate about two years, the professional associations, experts, NGOs, leading representatives of the Romanian Academy and the Academy of Agricultural and Forestry Sciences, furniture manufacturers, mining companies, forest owners were involved with seriousness and responsibility for developing new code in a form to be agreed and supported even by those concerned.

In developing the new Forest Code regulations, we consider the following principles:

- superior capitalization of wood;
- support for rural development through local processing of wood;
- capitalization of standing timber is only by certified operators; An economic operator/group of economic operators can buy at auction or negotiation if any, wood materials from primary products or accident and the form of round wood carving along side the road, just in case that provides the processing capacity at its own least 40% of the timber is purchased;
- resource allocation priority of public property forests wood materials needed for home heating population;
- transparency sale and marketing of wood;
- an economic operator/group of economic operators may acquire/process more than 30% of the volume of industrial assortment of wood of each species, determined as the average of the last three years under the provisions of enhancing authorized service and operated at national level, regardless of ownership;
- ensuring priority for manufacturers of wood furniture industry in the State owned forests as wood carving, based on estimated annual requirements; they have the right of first refusal to purchase the timber, the bid and selling on equal terms.

Green Transylvania Association representatives claim that the new Forest Code were not eliminated any harmful provisions of the old law:

- a non-comprehensive Forestry Code (related legislation includes numerous other laws and decisions and government emergency ordinance, ministerial orders);
- regulatory power, execution and control are overly centralized and under political influence;
- lack of transparency and controllability exterior, including the ban on public access to forests;

- underfunding forest sector;
- evaluation and sale of standing timber (based on relative assessments);
- promoting the construction of new forest roads that facilitate accessibility and enhancing forest timber exploitation;
- maintain conflict of interest that results from the administration of national and natural parks or Natura 2000 sites by Kerslake, entity directly concerned and forestry;

MATERIALS AND METHODS

Cuttings in national parks and nature parks are prohibited except where trees can not be provided by natural regeneration or cuts. Cuttings are permitted only in stands of spruce structure even aged trees and relatively even aged trees, pine, poplar *Euramericana*, willow selected, and when substitution or restoration of trees where other treatments can not be applied. In the cases referred to in this chapter, the size of the area covered by forest clear cutting is more than 3 ha, except poplar trees and willow *Euramericana* selected, placed in enclosures dammed, requiring mechanized land preparation, in which the surface is maximum 5 hectares. Among the areas covered by cuttings will keep a minimum of two heights of trees. In addition, the law also provides for the possibility of removal from the forest, provided compensation, the areas necessary for exploitation of mineral resources referred to in art. 2 para. (1) of the Mining Law no. 85/2003 for sightseeing, leisure, including tourist accommodation, religious units, sports facilities, medical and social objectives achieved only by social service providers.

If housing and vacation homes, the maximum area that can be applied definitive removal of forest, including construction, access and fencing, not exceeding 250 m² for forest properties larger than 5 ha and a maximum of 5% of the forest ownership but not more than 200 m², where the surface of the timber property is less than 5 ha. Compensation is performed physical land that has 5 times the value of the land that is removed permanently from the national forest and land surface given compensation can not be less than 3 times the land area covered by forest removal from the national.

Also be moved from forest land for setting up sources and water and sewage networks, power networks and conventional and renewable energy resources, networks and communications systems, county and local interest roads, parks, recreational parks thematic and/or education and work and/or hydraulic structures and fish.

Another controversial measure is the requirement to prepare forest management plans for forest fund only for properties larger than 10 ha, and building permission in the protection zone of 50 meters from the edge of the forest. Indeed, the draft Forest Code adopted by the Chamber of Deputies does not establish clear measures leading to higher turning wood especially local communities that live in it. According to the Forest Code adopted by Parliament, exploitation of wood from the forest is public property based on the regulations subsequently approved by Government Decision.

Owners who have an area of less than ten hectares of forest have no obligation to draw up forest management plans, which means that it operates as beheaded. This provision is dangerous because there are many owners who have a smaller area of ten acres, so imagine what it means to cut each as he wants. Increased surface can be removed from the forest for holiday houses, and from 200 m² to 250 m².

Then there is explained very well what can be cut in natural parks and it is unclear how to give compensation. Then there is discussion on whether the sale of timber to be done on foot, directly from the forest, or ramps. Small businesses do not want the sale of the ramp, because we believe that they could not compete with large firms and will no longer have access to the natural resource. It is prohibited grazing in the forest, virgin

forests and cvasi enjoys protection compensate forest owners are not allowed to exploit the wood, and EGF would control the transport of timber.

RESEARCH RESULTS

The total forest land for afforestation, those that serve the needs of culture, production or forest administration, ponds, stream beds, other estates and unproductive forest covered in forest planning on 1 January 1990 taking account of surface modifications, input-output, under the law, is, whatever the nature of ownership, national forest. The areas occupied by construction and related courts: administrative offices, cottages, pheasant farm, trout, hunting interest farmers, forest roads and transport, industrial areas, other technical facilities of the forestry sector and temporarily occupied land occupations and disputes.

The forest term includes:

a) forests included in silviculture on 1 January 1990 with consideration of surface modifications, input-output, under the law;

b) consistency wooded pastures greater than or equal to 0.4, calculated only for the actual area occupied by forest vegetation and areas plus consistency of less than 0.4 including gaps, if you are located in these areas wooded grassland within the body.

Proof of ownership in managing forest land public property by the administrator is based on forest management plans. The central public authority responsible for forestry specialist established territorial structure with legal personality. Specialized territorial structures of the central public authority responsible for forestry is established at the local level or county having minimum area of forest.

It is compulsory administration or, where appropriate, the provision of services for the entire forest national forest, regardless of ownership, the forest districts and through experimental research bases of Forest Research and Management Institute "Marin Drăcea".

Management and Forest Service, as appropriate, shall ensure through forest districts authorized, hereinafter forest districts, which are of two types:

a) state forest districts - the structure of National Forest Administration- Romsilva, the structure of Forest Research and Management Institute "Marin Drăcea", reorganized the structure of the law and the Autonomous Administration of State Patrimony, which manages the forest fund public property State and which are set up by them; research and testing bases assimilates state forest districts;

b) regime forest districts which are established under the law, the administrative-territorial units, individuals or legal entities that own forestry fund or of associations established by them.

Forest Districts in para. (2) are of public interest and may administer or provide forestry services, as applicable, and for other forest properties, based on contracts, which shall be enforceable on the amounts owed by the owner for providing the services or managing the forest; forestry established by the Autonomous Administration of State Patrimony can not ensure the Forest Service or other forest properties.

The forest is a public property administered by the National Forest Administration-Romsilva, autonomous national interest, under the authority of the state by the central public authority responsible for forestry, Forest Research and Management Institute "Marin Drăcea", and fold forestry established by the Autonomous Administration of State Protocol Patrimony.

The forest public property can not be leased, with the following exceptions:

a) land related to assets sold, under the law, the National Forest Administration - Romsilva during the period of construction, but not more than 49 years;

b) land related objectives in national forest installed before 1990, during the existence of goals, but not more than 49 years.

Land purchased by the National Forest Administration - Romsilva become public property forest fund and tabulated as such. State forest managers referred to in Article 11 para. (1) were both standing disputes concerning public property forest and those related to targets located on it. The forest public property of the administrative-territorial forest districts administered by the operating system as autonomous local interest or on contracts with state forest districts. For forest private property of individuals and legal management and / or services is performed by forest ranges forestry regime that operates as a commercial or contract with the forestry National Forest structure - Romsilva or structure Research Institute Forestry and Management "Marin Drăcea".

Forest Districts regime in para. (1) can be both owners and their associates and operate under the authority of senior forestry structures. Forest Districts regime laid down in art. 13 legal personality, drawn balance, its balance sheet, have annual budget of income and expenses separately, they have. The annual budget of revenues and expenditures approved by the sole owner of the local council or the general assembly, where appropriate, on a proposal from the Forest Department.

The management and legal representation of forest range are assured by the chief operating of forests, appointed or removed by the owner or his legal representative, endorsed by the central public authority responsible for forestry; state forest district management is ensured by the head of forests, appointed or dismissed by the Board of Directors of the National Forest Kerslake, endorsed by the central public authority responsible for forestry.

Heads forest districts referred to in art. 10 paragraph. (2) and forest structures senior executives, employees with employment contract of indefinite duration must work at least 5 years and 13 years as a graduate forestry engineers in forestry. Forest Districts referred to in art. 10 paragraph. (2) authorizing the entry in the National Register of forest districts held at the central public authority responsible for forestry.

Forest Districts are public utility system and acquire legal personality from the moment of their registration in the National Register of forest districts. Content National Register of forest districts, model documents of incorporation, organization and functioning, establishment and authorization procedure for all forestry departments and their duties are approved by order of the head of the central public authority responsible for forestry. Management and Forest Service, as appropriate, shall ensure compliance with the principle of territoriality.

Forest Districts constitute works and provides administration and / or services for forest area under forest background territorial limits of the county in which they have their registered office and its neighboring counties with the principle of territoriality. An exception from the provisions of par. (2) single owner can be a detour forest regime, in compliance with this law. Managing forestry and/or forest provide services to the largest area within a municipality, city, municipality, shall, on request, provide, contract administration/forestry services for all owners of forest fund the commune, town or municipality. It is compulsory safeguarding, areas of forest fund is not insured for administration/services forestry by the forestry stated in para. (4);

Conclusion of contract as provided in par. (4) management/forestry services and taking surface is made within 30 days of the request; period may be extended if adverse weather conditions which does not identify any damage. On request, the owner can opt for a contract with the forestry administration to manage and/or support forestry services for the largest area within a municipality, city, municipality, for a period of minimum 10 years

without paying a management fees, following the detour to ensure an annual rate of 2 cm/ha wood; detour will pay for the property management. The territorial structure of the central public authority responsible for forestry shall notify in writing the owner or administrative territorial unit in the area where the property is located, if the owner can not be identified and will hand guard forest range area in background after inspection . Owners forest fund which do not fulfill the obligation under Art. 10 para. (1) are required to pay an additional tax withholding, established a year and ha. This additional tax is determined by joint order of the central government to finance and forestry.

Additional tax provided in par. (8) shall be collected by the local government and are distributed as follows:

- a) 20% remains at the disposal of the territorial administrative unit to which the property is located;
- b) 80% improvement in fund-purpose forest land.

Receivables due and uncollected budget, referred to in par. (9) subject to enforcement, the execution priority on forest ownership. The methodology for establishing and settlement expenses related to fund forest guard area which is not ensured administration and forestry services shall be approved by joint order of the central authorities responsible for forestry and public finances; It is forbidden to surrender to forest owners in the event of termination of management contracts or forestry services; delivery and reception of forest, in the event of termination forest management contracts or services is made only to another forest district. Failure to comply with the principle of territoriality provided in par. (1) is punishable by the withdrawal of the notice referred to in art. 14 para. (3) issued by the central public authority responsible for forestry. Forest management is regulated by national forest planning, which is the basis of forest cadastre and title deed for the state forest fund public property. Forest management plans will be developed production facilities and / or protection, in compliance with technical planning; regulation of the production process for the forests on properties with less than 100 ha area included in unit production / protection established at commune, town, municipality, is at aboret.

The technical standards referred to in para. (1) shall be prepared by the central public authority responsible for forestry, with the following principles:

- a) the principle of protecting and enhancing biodiversity;
- b) going timber harvests;
- c) the principle of functional efficiency;
- d) economic principle;

Where forest management plans include several properties at the request of the owners are issued a statement arrangement information for each property. The forest and their modifications are not subject to environmental assessment procedure/EIA/ appropriate assessment / environmental authorization or approval of the administrator or custodian of natural protected areas or community sites. Expenditure on developing forest management plans are covered in forest improvement fund for area exceeding 100 ha forest fund belonging to an owner of a natural or legal person, whether or not contained in an association.

The forest and their modifications are approved by order of the head of the central public authority responsible for forestry. The forest shall apply from 1 January of the year of organized II conference planning; failure to submit for approval of forest management plans by 31 December of the year which is organized II conference planning application be stayed until the forest arrangements it is approved under this law. Every year, between January 1 to 31, FMUs are obliged to submit territorial forest structures of the central

public authority responsible for forestry comparative situation of the forest arrangements and silvicultural work actually done in the previous year, at the production facility.

Forests, as defined in this Code, which, before the entry into force, were part of the forest vegetation outside the national forest integrates production units and / or existing protection or constitute units production and / or protecting us, whether the conditions imposed by the technical standards for forest planning. Obligation to identify forests in para. (1), until their arrangement in accordance with the provisions of this code returns territorial structures specialized central public authority responsible for forestry, based on fundamentals made by companies authorized to arrange forests, specific forestry education institutions and non-governmental organizations, within 12 months after the entry into force of this Code.

If forest vegetation outside the forest and other land, the owner can opt for inclusion in the national forest, in which forest management is drawn or included in an existing arrangement. Forest Management Plans prepared and approved, under the law, the forest included in protected natural areas of national interest are part of the management plan.

Cuttings are permitted only in stands of spruce, pine, acacia, Euramericana poplar, willow and water meadows selected, and when substitution or restoration of trees where other treatments can not be applied. In the cases referred to in para. (1) the size of the area covered by forest clear cutting is more than 3 ha, except poplar trees and willow selected Euramericana requiring mechanized land preparation, in which the surface is not more than 5 ha. Among the areas covered by cuttings will keep a minimum of two heights of trees. Making a stand of cuttings by joining with another race cutting is allowed only after closing the solid state prior to the cut surface; if solid state is not completed within a period of 7 years from the first cutting is permitted joining race, provided that full afforestation precut surface.

Cuttings in national parks and nature parks is prohibited. Artificial regeneration works and supplementing the natural regenerations runs later than two seasons in single or final cut. The work of regeneration, semințișurilor maintenance and care of plantations and trees must be made as to achieve compositions established by forest planning and / or studies. Regulation and certification criteria approved by order of the head of the central public authority responsible for forestry in consultation with associations and organizations with national recognition. The estimate provided in par. (1), expressly or tacitly accepted by non-contestation within the owner within 30 calendar days shall be enforceable, the basis for the execution of regeneration.

CONCLUSIONS

The conclusions drawn from this study on the main changes to the draft amendments to the Forest Code are:

- Windbreaks are not part of the forest.
- State forest district management is ensured by the head of detour, which is appointed by the head of the National Forest Administration- Romsilva. The Forest Code in force is not provided Romsilva opinion and organizing a competition for this function.
- Autonomous Administration of State Patrimony may constitute its forests, forest districts for which it has ownership;
- Not required preparation of forest management plans for forest fund properties less than 10 ha. The owner who has signed a management contract or forestry services on a minimum of 10 years of a forest surface properties of 10 ha, can harvest a volume of up to 3 cm/year/ha on this forest.

- The virgin forests will be strictly protected and are included in the "National Catalogue of virgin and cvasi-virgin forests and". In recognition of exceptional value and ensure long-term protection cvasi virgin forests and will include, where appropriate, UNESCO World Heritage Site, scientific reserves and / or their integration in the areas of strict protection of national parks and natural.

- Can be removed permanently from the national forest fund only if their compensation without loss of forest area and the prepayment of the monetary obligations only land required for construction or expansion following categories of work and objectives:

- Exploitation of mineral resources referred in art. 2 para. (1) of Law no. 85/2003 - Mining Act, as amended and supplemented. The current law can be removed from the forest area needed exploration and exploitation of mineral resources following: coal, rocks, mineral aggregates, mineral ores, alternative energy sources, oil.

- Mineral resources which are subject to the Mining Law are: coal, ferrous, non-ferrous, aluminum and aluminous rocks, noble metals, radioactive, rare and dispersed haloid salts, non metallic useful substances, useful rocks, precious and semiprecious stones, mud and bituminous rocks, non combustible gas, geothermal, accompanying gas, natural mineral waters (carbonated and flat), therapeutic mineral waters and mining residues from dumps and tailings ponds.

- National forest objectives installed before 1990, and the areas related to assets sold under the law, the National Forest Administration - Romsilva.

- Roads of county and local recreational parks, theme parks and/or education.

- It allows the construction of protection forest area, 50 m from the forest edge.

- No right of pre-emption has been introduced for small furniture which exploit local resource. Recovery of wood from the forest is public property following principles: superior capitalization of wood; support rural development through local processing of wood; Standing timber exploitation is attested only by legal persons; resource allocation priority of woody materials publicly owned forests, for heating the households; transparency sale and marketing of wood;

- An economic operator / group of economic operators may acquire / process more than 30% of a range of industrial timber of each species, established as the average of the last 3 years on the basis of implementing acts authorized amount to exploitation and operated at national level; ensuring priority for manufacturers of wood furniture industry in the State owned forests as wood carving, based on estimated annual requirements; they have the right of first refusal to purchase the timber, the bid and selling on equal terms.

- Control the movement of wood materials is carried out by the Gendarmerie. This provision was removed after a few years of the Forest Code.

- The surface on which the Romanian State undertakes to afforest by 2035 dropped from two million hectares to one million hectares by 2030. This figure is very optimistic considering that until now were about 1,000 wooded hectares annually.

- It introduces the concept of forest- park. Forests - park will be established at the request of the owner / manager, based on studies, the advisory opinion of the Technical Committee on Forestry. The arrangements allowed in forest park are paths made from environmentally friendly materials, a width not exceeding 2 m or bike lanes; banks; lighting; information points; ecological toilets; temporary buildings wooden building area not exceeding 15 square meters in forest park can be made afforestation with species not naturally fundamental type of extracted trees instead.

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