

TOP 3 LIARS: THE GOVERNMENT, PAȘCA-PALMER AND CIOLOȘ

The Government of Romania stated, in 2015 and 2016, in order to justify an exceptional situation which should allow the adoption of two emergency ordinances, that during 2008-2014 there were 8,800,000 cm illegal timber, per year.

In the reports about the state of Romania's forests for the years 2008-2013, elaborated by the Ministry of Environment, Waters and Forests and presented each year to the Government, illegal loggings are noted, representing, in average, only 3,89% of the number used to motivate the emergency ordinance.

The information communicated for the years 2014, 2015 and the first semester of 2016, obtained from Forest Guards, the Ministry of Environment, IGPR, Gendarmerie, RNP-Romsilva, present illegal loggings between 1,65% and 3,47% of the number invented by the Government of Romania.

I. THE CALUMNIOUS STATEMENTS

In the aim of justifying the approval of two emergency ordinances, the Government of Romania, along with the Ministry of Environment, Waters and Forests, launched **false, unfounded information**, into public debate, both in 2015 and 2016.

Thus:

- a) in Emergency Ordinance no. 32/2015 regarding the foundation of Forest Guards, published in the Official Gazette no. 474 of 30 June 2015, The Romanian Government noted:

*“Considering the need to consolidate the legality and the reinforcement of the capacity to implement, monitor and control the fight against **illegal logging** of the national forest fund and forest vegetation on other lands, which, **DURING 2008-2014, SUM UP TO AN AVERAGE VOLUME OF AROUND 8.8 MILLION CUBIC METERS**, according to information given by the Research and Forest Planning Institute of Bucharest – National Forest Inventory Service”*

- b) in Emergency Ordinance no. 51/2016 for the modification and completion of Law no. 171/2010 regarding forestry sanctions, published in the Official Gazette no. 726 of 20 September 2016, the Romanian Government noted:

“considering the fact that the lack of measures established through the present legal document led to 8.8 MILLION CM/YEAR ESTIMATED ILLEGAL TIMBER, during 2010-2013, this acts against Romania's economic and strategic interests, and, therefore, it is a threat to the national security of Romania.”

Therefore, it is stated that, during 2008-2014, 8.8 millions cubic meters timber was cut illegally (in GEO 51/2016 the syntagms “around” and “average volume” are excluded, confirming the validity of information for each year).

II. THE VERIFICATION OF THE INFORMATION

II.A. INFORMATION OBTAINED ON THE BASIS OF LAW NO. 544/2001

In order to verify this piece of information launched by the Government of Romania, we have requested to Forest Guards, Romanian Police, Gendarmerie and Ministry of Environment, Waters and Forests, according to Law no. 544/2001 regarding free access to public information, to send us information including about the volume of illegally logged timber identified in the years 2014, 2015 and first 6 months of 2016.

All these institutions responded to our requests, and the **synthesis of the communicated information** is as follows:

ILLEGAL LOGGING – INSTITUTIONS OF CONTROL

INSTITUTION	ILLEGAL LOGGING 2014	ILLEGAL LOGGING 2015	ILLEGAL LOGGING 2016 – 6 MONTHS	TOTAL
Ministry of Environment, Waters and Forests	589 cm			589 cm
General Inspectorate of the Romanian Police	70.638,97 cm of which: 34.885,89 cm in fact 35.753,08 cm in value	156,595,27 cm of which: 39.709,71 cm in fact 116.885,56 cm in value	38.963,76 cm of which: 18.924,76 cm in fact 20.039 cm in value	266.198 cm of which: 93520,36 cm in fact 172.677,64 cm in value
General Inspectorate of the Gendarmerie	6122 cm			6122 cm
Bucharest Forest	560,2 cm	1049,4 cm	53,428 cm	1663,028 cm

Guard	physically 290,83 cm in value	physically 60,70 cm in value	physically	physically 351,53 in value
Suceava Forest Guard	100.769 cm of which 6812 cm physically 93.957 cm in value			100.769 cm of which 6812 cm physically 93.957 cm in value
Focșani Forest Guard	11.445 cm	11.208 cm	5.267 cm	27.920 cm
Ploiești Forest Guard	343 cm physically 621 cm in countervalue	78 cm physically 1558 cm in countervalue	77 cm physically 343 cm in countervalue	3020 cm of which: 498 cm physically 2522 cm in countervalue
Vâlcea Forest Guard	261 cm physically 2824 cm in countervalue	584 cm physically 2272 cm in countervalue	613 cm physically 3564 cm in countervalue	10.118 cm of which: 1458 cm physically 8660 cm in countervalue
Brașov Forest Guard	8.841 cm			8.841 cm
Cluj Forest Guard	1141,213 cm physically 17075,8 cm in countervalue	924,147 cm physically 70804,4 cm in countervalue	576,035 cm physically 5952,394 cm in countervalue	96473,989 cm of which: 2641,395 cm physically 93.832,594 cm in countervalue
Timișoara Forest Guard	13.641,1 cm of which: 1838,42 cm physically 11.802,7 cm in countervalue			13.641,1 cm of which: 1838,42 cm physically 11.802,7 cm in countervalue
Oradea Forest Guard	4666,55 cm cut illegally 413,56 cm confiscated physically 57 mc in countervalue	2413,78 cm cut illegally 438,08 cm confiscated physically 3761,09 cm in countervalue	2484,25 cm cut illegally 83,87 cm confiscated physically 12.247,69 cm in countervalue	9564,58 cm cut illegally 935,51 cm confiscated physically 16.056.78 cm in countervalue

TOTAL	562.263,517 cm of which: 162.403,293 cm physically¹ 399.860,244 cm in countervalue
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To this data, we add the information communicated by the National Forest Administration – Romsilva (RNP), noted in the Romsilva activity reports on 2014, 2015 and 1st semester of 2016.

RNP ILLEGAL LOGGING²

INSTITUTION	ILLEGAL LOGGING 2014	ILLEGAL LOGGING 2015	ILLEGAL LOGGING 2016 – 6 MONTHS	TOTAL
RNP - ROMSILVA	84.986 cm of which: 56.836 cm from the forest fund property of the state 28.150 cm from forests for which RNP-Romsilva provides forestry services	79.118 cm of which: 57.080 cm from the forest fund property of the state 22.038 cm from forests for which RNP-Romsilva provides forestry services	37.774 cm of which: 26.193 cm from the forest fund property of the state 11.581 cm from forests for which RNP-Romsilva provides forestry services	201.878 cm of which: 140.109 cm from the forest fund property of the state 61.769 cm from forests for which RNP-Romsilva provides forestry services

SUMMING UP, we can note a total (Forest Guards + Ministry of Environment, Waters and Forests + Romanian Police + Gendarmerie + RNP) of **764.141,517 cm**, of which **364.281,293 cm physically and 399.860,244 cm in countervalue**.

Thus:

¹ In case the answers we got did not explain the category of the communicated volume (timber confiscated physically or in countervalue) we have placed it in the most favourable situation for the defendants, namely at physically identified/confiscated timber.

² Theoretically, these loggings should be also noted in the responses we got from the other control institutions, but for placing the Romanian Government and the Ministry of Environment, Waters and Forests in a favourable situation, we will also ass this information.

1. on one hand, according to the situation stated by the Government, through the justification of Emergency Ordinances no. 32/2015 and no. 51/2016, in the years 2014, 2015 and the first 6 months of 2016 there would be **22.000.000 cm illegal timber**;
2. on the other hand, according to the certain data communicated by all the state control institutions, there is certain information only regarding the quantity of **764.141.517 mc** (of which only **364.281,293 cm physically** and **399.860,244 cm in countervalue** – this last digit does not necessarily represent illegal loggings, but SUMAL report problems).

Therefore:

- a) in the most favourable situation for the Romanian Government and Ministry of Environment, Waters and Forests, there is a percent of **3,47%** identified “illegal timber”;
- b) if we only consider the volume of **physical 364.281,293 cm** and consider that the volume of 399.860,244 cm in countervalue has to do with inadequate reports in SUMAL, there is a percent of **1,655%** identified “illegal timber”;

If we only consider the year **2014³**, there is a total of **247.008,963 cm** (of which **physical 179.242,253 cm⁴** and **67.766,71 in countervalue**):

- a) there is, in the most favourable situation for the Romanian Government and the Ministry of Environment, Waters and Forests, a percent of **2,80%** identified “illegal timber”;
- b) if we only consider the volume of **179.242,253 physical cm** and consider that the volume of 67.766,71 in countervalue has to do with inadequate reports in SUMAL, there is a percent of **2,036%** identified “illegal timber”.

II.B.

THE REPORTS OF THE MINISTRY OF ENVIRONMENT REGARDING THE STATE OF THE FORESTS

According to art. 119 of the republished Forest Law:

³ For the cases where information was not detailed, we divided the confiscated timber volume by the following percentage: 2/5 – year 2014, 2/5 year 2015, 1/5 year 2016.

⁴ In case the responses did not mention the category of the communicated volume (timber confiscated physically or in countervalue), we have placed it in the most favourable situation for the defendants, namely at physically identified/confiscated timber.

“The central public authority responsible for forestry presents to the Government a yearly report about the state of the forests”

The same was stated by art. 126 of the Forest Law, as it has been approved according to Law no. 46/2008, unmodified.

We obtained the reports written according to this law by the Ministry of Environment, as they were presented to the Government of Romania, for the years 2008, 2009, 2010, 2011, 2012.⁵

The official situation of illegal logging, assumed by the Ministry of Environment and the Government of Romania, is noted in these reports as follows:

year	Identified by ITRSV	Identified by RNP	Identified by OSP	Total of identified illegal logging
2008	74.592 cm	74.145 cm	25.805 cm	174.542 cm ⁶
2009	43.839 cm	102.284 cm	33.352 cm	179.475 cm ⁷
2010	80.478 cm	83.439 cm	25.975 cm	189.892 cm ⁸
2011	123.831 cm	96.398 cm	45.991 cm	266.220 cm ⁹
2012	145.621 cm	133.529 cm	52.258 cm	331.408 cm ¹⁰
2013	731.227 cm	144.830 cm	39.574 cm	915.100,589 cm
TOTAL 2008-2013	1.199.588 cm	634.625 cm	222.955 cm	2.056.637,589 cm

It is worth mentioning that a significant percent of the illegal logging was identified in the forests for which the owners had not signed contracts for administration or forestry services, forests representing **7% of the forest fund surface**:

year	Total identified illegal logging	Volume identified in forests with no administration or forestry services	percent	Total no of general or partial controls
2008	174.542 cm	59.263 cm	34%	34.636
2009	179.475 cm	34.478 cm	19%	32.434
2010	189.892 cm	68.403 cm	36%	52.949
2011	266.220 cm	98.244 cm	37%	52.124

⁵ For the year 2015 the Government of Romania and the Ministry of Environment, Waters and Forests did not fulfil this legal obligation

⁶ pages 68-76 of the “Report regarding the state of Romania's forests in the year 2008”

⁷ pages 71-79 of the “Report regarding the state of Romania's forests in the year 2009”

⁸ pages 75-84 of the “Report regarding the state of Romania's forests in the year 2010”

⁹ pages 58-68 of the “Report regarding the state of Romania's forests in the year 2011”

¹⁰ pages 43-51 of the “Report regarding the state of Romania's forests in the year 2012”

2012	331.408 cm	130.853 cm	39%	40.754
2013	915.100,589 cm	128.571 cm	14%	43.186
TOTAL GENERAL 2008-2013	2.056.637,589 cm	519.812 cm	25%	256.065

Reporting this data, noted in the reports about the state of Romania's forests for the years 2008-2013, regarding the volume noted by Emergency ordinances no. 32/2015 and 51/2015, we highlight the following **real percents, as opposed to the numbers spread by the Government of Romania:**

year	Volume of illegal logging noted by the Government and Ministry of Environment in GEO 32/2015 and 51/2016	Total of illegal logging identified and noted in the Reports about the state of Romania's forests 2008-2012	percent
2008	8.800.000 cm	174.542 cm	1,98 %
2009	8.800.000 cm	179.475 cm	2,03 %
2010	8.800.000 cm	189.892 cm	2,15 %
2011	8.800.000 cm	266.220 cm	3,02 %
2012	8.800.000 cm	331.408 cm	3,76 %
2013	8.800.000 cm	915.100,589 cm	10,39 %
TOTAL 2008-2013	52.800.000 cm	2.056.637,589 cm	3,89 %

Thus:

1. on one hand, according to the situation stated by the Government of Romania and the Ministry of Environment, Waters and Forests for the justification of Emergency ordinances no. 32/2015 and no. 51/2016, in the years 2008 - 2012 there is **52.800.000 cm illegal timber**;
2. on the other hand, according to the certain data noted in the Reports about the state of Romania's forests for the years 2008, 2009, 2010, 2011, 2012 and 2013, certain information only regards the quantity of **2.056.637,589 cm illegal timber**.

In other words, **from the false information spread by the Government of Romania and Ministry of Environment, Waters and Forests, in the light of the preports written by these irresponsible institutions, only a percent of 3,89% corresponds to reality.**

According to art. 115 alin. (4) of the Constitution:

*“(4) The Government can adopt **emergency ordinances only in extraordinary situations which need to be regulated right away, with the obligation of motivating the emergency in their content.**”*

According to the stipulations of the **Constitutional Court Decision no. 55 of 5 February 2014**, published in the Official Gazette no. 136 of 25 February 2014, but also in other case decisions of this court¹¹:

the “*extraordinary situation*” that can justify the adoption of an emergency ordinance needs to be a situation that exists and can be verified objectively, similar to major force, which can be defined as an event that has nothing to do with the will/fault of the Government, unpredictable, invincible and inevitable and which, lacking immediate regulation, attacks serious prejudice to public interest;

In the attacks against the forestry sector, through which exports of wood products are blocked and/or the introduction of several moratoria regarding forest exploitations, **the Government of Romania and the Ministry of Environment, Waters and Forests have never offered official information regarding the state of the forests, revealed in the National Forest Inventory.**

The refusal of the Government of Romania and Ministry of Environment, Waters and Forests to provide correct, scientifically founded information, or to protect the reputation of the sector in the vast public debates on forestry, the refusal to tell the truth is, also, manipulation on the public opinion.

The state of Romania's forests is not the one stated by the Government of Romania in the exposition of the two Emergency Ordinances (32/2015 and 51/2016).

Beside the information analysed at the aforementioned pt. II, The National Forest Inventory (NFI) is practically the only valid source of information when talking about the state of the forests.

The Government of Romania and the Ministry of Environment, Waters and Forests, have not assumed in any public statement a presentation of the state of the forests, according to the National Forest Inventory, which states that:

¹¹ Decision no. 255 of 11 May 2005, published in the Official Gazette of Romania no. 511 of 16 June 2005; Decision no. 83 of 19 May 1998, published in the Official Gazette of Romania no. 211 of 8 June 1998; Decision no. 258 of 14 March 2006, published in the Official Gazette of Romania no. 341 of 17 April 2006; Decision no. 421 of 9 May 2007, published in the Official Gazette of Romania no. 367 of 30 May 2007, Decision no. 109 of 9 February 2010, published in the Official Gazette of Romania no. 175 of 18 March 2010; Decision no. 361 of 26 May 2016 published in the Official Gazette of Romania;

- ✓ the volume of standing timber is 2.2 billion cm, with an average volume per hectare of 322, in the top of the European averages;
- ✓ the forest surface, of 6,9 million ha, is significantly bigger than the previously known numbers regarding the surface of the national forest fund – 6,35 million hectares;
- ✓ the surface of forest clearings – unregenerated surfaces - of 78.000 ha, is insignificant, it is 1 % of the surface of forests; despite illegal logging, forests have regenerated;
- ✓ annual forest growth, evaluated by NFI at 54 million cm/year!

In conclusion, **the adoption of the two emergency ordinances was done breaking art. 115 alin. (4) and art. 1 alin. (4) of the Constitution, namely lacking an extraordinary situation to justify the replacement of the Parliament, as legislative power, with the Government (executive power).**

Both the Government of Romania and the Ministry of Environment, Waters and Forests are guilty of **calumny and misinformation, continuous lies as basis for administration and governing** – a profound failure of the granted mandate and oath spoken at the investment.

PS. The possibility in which the Government of Romania demonstrates the number of 8.800.000 cm per year of the period 2008-2014 supposes immediate dissolution of the whole forestry administration system, state and private, Forest Guards, police and gendarmerie structures, which, together, protect or are part of complex criminal groups destroying Romania's Forests.

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