

Operational conclusions with Romanian authorities

ON FORESTS MATTERS (Case 2020/2033)

TUESDAY, JUN 08, 2021

14h00-16h00

Romanian participants	Commission participants
MMAP (Ministerul Mediului, Apelor și Pădurilor) Sorin Banciu, Secretar de Stat Dorina Mocanu, director Liliana Bara, director Dănuț Iacob, director Gabriela Dorojan, director adjunct Mihai Enescu, director cabinet Secretar de Stat Tudor Stăncioiu, profesor asociat, Universitatea de Silvicultură Brașov Cătălin Turbatu, ANANP Roxana Ionescu, consilier Anca Crăciunaș, consilier Ministry of Foreign Affairs Loredana Bațagoi, șef serviciu SCUE Permanent Representation of Romania to the EU Vlad Angelescu, consilier juridic	CIOBANU-DORDEA Aurel, Director, Directorate E - Implementation & Support to Member States AMPATZIS Stephanos, Deputy Head of Unit, ENV.E1 - Mainstreaming & Environmental Assessments CHEVREUX Diane, Investment, EIR & Semester desks, ENV.E1 - Mainstreaming & Environmental Assessments András BARTAL - Policy officer for Czechia, Slovakia and Romania, ENV.D3 - Nature Protection TUDOR Antoniu - Legal officer, ENV.E1 - Mainstreaming & Environmental Assessments

1. Draft order – Appropriate assessments of FMPs

As the checklist (Annex 1 of the draft order) has no distinction between full overlap and partial overlap, the COM has proposed four particular situations not specifically covered in the checklist that should automatically lead to a full appropriate assessment without first carrying out a screening.

After discussion, these situations are the following (on points 3 and 4, the COM took into account the remarks of the Romanian authorities):

1. When a FMP totally overlaps with a Natura 2000 site;
2. When a FMP partially overlaps with a Natura 2000 site and contains projects listed in Annexes I/II of the EIA Directive;

3. When a clear-cutting of more than 3 ha of a native species is planned (to be linked to cumulative impacts);
4. When harvesting in the buffer area of primary or old-growth forests is planned (RO explained that such buffer areas exist only for primary or old-growth forests designated as UNESCO Heritage sites. Therefore, RO will add its definition according to their legislation of zones where such forest exists).

The Romanian authorities took note of the COM request, and will rephrase the text of the order. It is for the Romanian authorities to decide how it integrates these proposals into the draft (either in the annex or in the text itself).

For action: The Romanian authorities will revise the text of the order and send it back to COM within 15 days.

2. Deterioration of forest habitats (Article 6.2 of the Habitats Directive)

The COM asked Romania for remedial action for the areas where there is proof of deterioration in the meaning of Article 6.2 of the Habitats Directive, in particular on how the areas would be restored and the timeline for this. This should happen by revising the FMPs overlapping with the 8 Natura 2000 sites subject to the infringement (4 SCIs and 4 SPAs).

The Romanian authorities have explained that the forest cover change shown by the satellite images result from one of the three following actions:

- Illegal/uncontrolled logging (particularly affecting Natura 2000 sites in Maramureş). RO is planning to spend Recovery and Resilience Plan (RRP) funds for the restoration and natural regeneration of degraded forest ecosystems, including Natura 2000 forest habitats, including in the sites covered by the infringement;
- Salvage logging following bark beetle attacks and wind damage (the logged forest is usually replanted rather than left to natural regeneration; depending on the size of the logged area, the FMPs are revised to account for harvesting but also the replanting which becomes mandatory);
- Final regeneration cut of the shelterwood system (cuts planned in the FMPs which ensure natural regeneration and also provide for replanting when natural regeneration does not cover 100% of harvested area at the end of the regeneration cuttings).

Therefore, Romanian side underlined that the changes in forest cover detected on the Global Forest Watch maps do not automatically represent permanent forest loss (and therefore degradation) as interpreted, being indeed forest regrowth in most cases (second and third bullets). Thus, the same habitat is present but in a younger stage of development. The cases of illegal logging (particularly in Maramures area) are not the result of forest management plans but rather either to the lack of such plans or trespassing the provisions of existing plans. As a result, the Romanian authorities have also explained that revising the FMPs would not be the solution

(moreover more than 170 FMPs would be concerned for the 4+4 sites); a case-by-case analysis is needed. They will provide the COM with proposals for remedial action, including a calendar. These proposals will take account of the different origins of the forest cover change and will cover all eight Natura 2000 sites (4 SCIs and 4 SPAs) subject to the infringement.

For action: the Romanian authorities will send the proposals mentioned above within 15 days.

3. Access to information

The Romanian authorities have referred to a number of provisions (in the revised Forest code and other legal acts) ensuring access to environmental information of the Forest Management Plans. The COM took note of these references.

The discussion has focused on how the past forest management plans can be made available to the public. The Romanian authorities can, for example, use the RRP funding (digitalization part) in order to facilitate access of public to information.

Romania has confirmed that the plans which are not yet available electronically can be made available upon request.

For action: the Romanian authorities will send the explanation in written within 15 days.

4. Operation of SUMAL

The Romanian authorities have explained the actions taken to ensure the system becomes fully operational and also stressed the technical difficulties involved.

The COM took note of the progress made.

For action: the Romanian authorities will send within 15 days the replies to the questions raised before the meeting on the steps taken to fully operationalize SUMAL.