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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 29 November – 2 December 2022

New complaint (pending): 2021/3

**Alleged unsustainable logging within the
Retezat National Park
(Romania)**

- REPORT BY THE COMPLAINANT -

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Progress Report - Breaching of Bern Convention by extensive logging in Retezat National Park

As requested in the letter of 7th October 2021 from the Bern Convention Secretariat, I am responding to the authorities' report (no. 1102 of 20.07.2021) and gathering some relevant updates.

First of all, I must stress that the authorities' report is not prepared by the proper authorities. It should have been prepared by the government, or at least by the Ministry of Environment, Waters and Forests. It was instead prepared by the administration of the national park, the very authority which is directly responsible for the logging in the national park. So any objectiveness is excluded.

Since I filed the complaint, I posted additional data on "CCSG Member News":

<https://conservationcorridor.org/ccsg/ccsg-news/2021/05/retezat/>

Also, please consider that the video portraying the damage done to the prior perfect forests cover on the upper reaches of the valley of Râul Alb, in the national park, is an annex to this Progress Report. It was filmed on May 30, 2021, and is uploaded at the link below:

<http://s.go.ro/mwk55fyk>

I must stress that the logging area in the images is just one out of three logging areas on the valley of Râul Alb.

In the first paragraph of the authorities' report false data are already mentioned, the false data on which the whole logging is based: It is written that the first edition of the management plan was approved in 2003. In order to have an approved management plan, the approval decision (which the park administration states that is represented by Order no. 372/2003) must be published in the Official Journal of Romania, which never happened. So, Retezat National Park never had an official, legally approved management plan. As a direct and main consequence, the whole internal zoning system they invoke to make the logging seem legal is, pardon the expression, just a gossip.

Now there is a new draft of management plan which, same as the first draft (of 2003), includes the so precious valley of Râul Alb in the Sustainable Conservation Zone, where, as they state in the report no. 1102, "logging is permitted to some extent". The administration of the management park ignored the requests from the public and maintained the valley of Râul Alb in the so vulnerable Sustainable Conservation Zone.

To make things clearer, placing an area in the Sustainable Conservation Zone is practically equivalent to removing this area from the national park. In the national parks of Romania, in the so called Sustainable Conservation Zone logging is almost the same as in a forest outside any protected area. The zoning of the national parks should be done for better management, for better conservation. In Romania we see the opposite (not only in the case of Retezat National Park), the zoning is done to expose to savage logging large sections of the forests in the park.

According to the law of protected areas, the valley of Râul Alb should have been included in the zones with strict protection. In 2007, when Emergency Ordinance no. 57/2007 was issued, it stipulated in article 22, paragraph (2) that:

"The zones with strict protection are the zones from the protected areas, of great scientific importance, which contain wild areas in which there were no human interventions or their level was very low".

The description above perfectly fits the status of the valley of Râul Alb in the national park, back in 2007.

As for now, the consolidated version of the law stipulates that:

"The zones with strict protection are the zones from the national and natural parks, of great scientific importance, which contain both scientific reserves and wild areas in which there were no human interventions or their level was very low".

So the provisions are the same for the valley of Râul Alb, the only difference is in the human interventions, the logging which took place after 2013. I consider that the logging on the valley of Râul Alb, as disturbing as it is, still covers a limited surface, and nature could heal its wounds, if left alone. Anyway, the Retezat National Park Administration cannot plead the recent logging there in order to diminish the conservation value of the valley of Râul Alb and include it in the detested Sustainable Conservation Zone. Because it would breach the law principle *nemo auditur propriam turpitudinem allegans*. There is instead an EU directive which should be applied: Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage. The surfaces damaged by logging must be subjected to ecosystem restoration, we are in the UN Decade on Ecosystem Restoration. Ecosystem restoration sounds quite excessive in this case, we only need the complete ceasing of logging on the valley of Râul Alb and we need the illegal tractor path to be physically closed.

But what we see now is the opposite of restoration. The logging is getting a new momentum, now on the right slope of the valley. It is only Friday and this week 12 trucks full of timber have descended from the valley of Râul Alb, with the note numbers:

AP22002411001102440502141222, AP22002411001203008502141356,
AP22002411001503008502141618, AP22002411001603008502141623,
AP22002411001203008502151209, AP22002411001303008502151354,
AP22002411001202440502151618, AP22002411001203008502171151,
AP22002411001303008502171517, AP22002411001202440502171717,
AP22002411001303008502181139, AP22002411001403008502181620

In figure 1 the location of the present logging is presented (with the boundary of the national park).

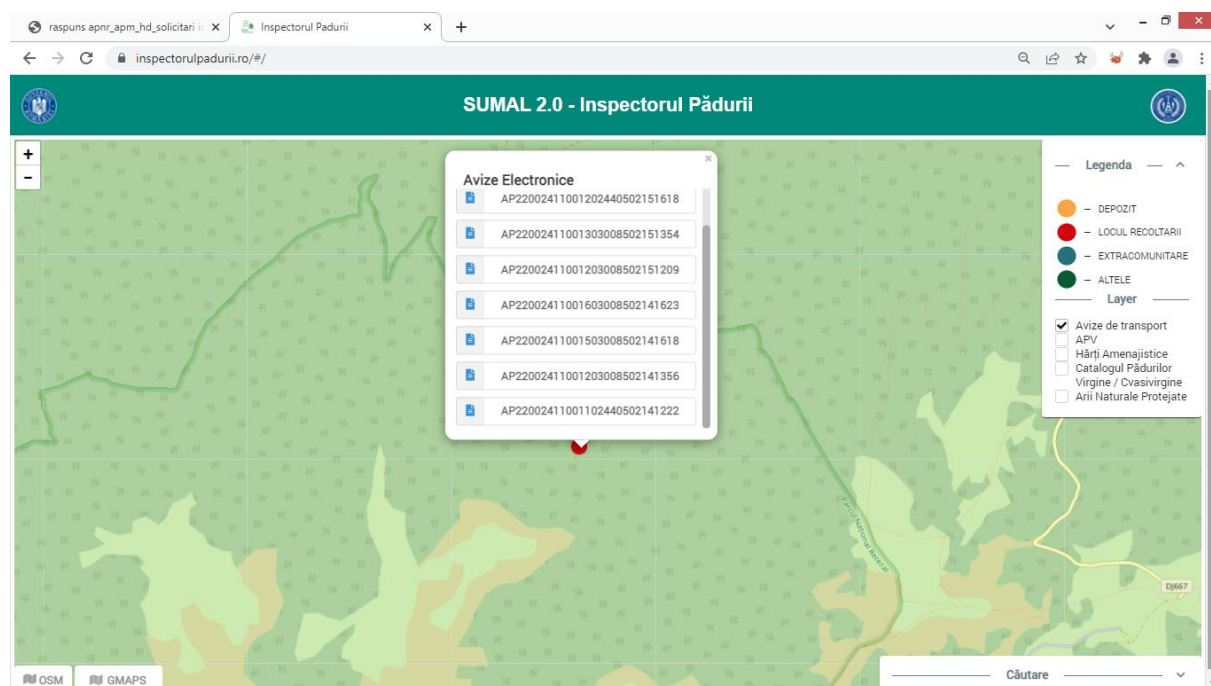


Figure 1

Overall, since I started on March 15, 2021, to monitor the situation, 86 trucks full of timber have descended from the forest on the valley of Râul Alb, in the national park. And these are only the official data, the real situation is for sure worse. For instance, at the transport with the note number AP21002411000403008505241358 it was written that the quantity is 4.4744 cubic meters of timber.

But I asked someone which worked a lifetime in the field to check the images with the loaded truck and estimated that it carries 10 to 12 cubic meters. It is also a matter of common knowledge in Romania that more transports are done with the same note number.

I am monitoring only the situation on this precious valley of Râul Alb, but logging also occurs on many other valleys in the national park. For instance, a huge clear-cut is extending on Obarșia Nucșorii Valley, as you can see in figure 2.

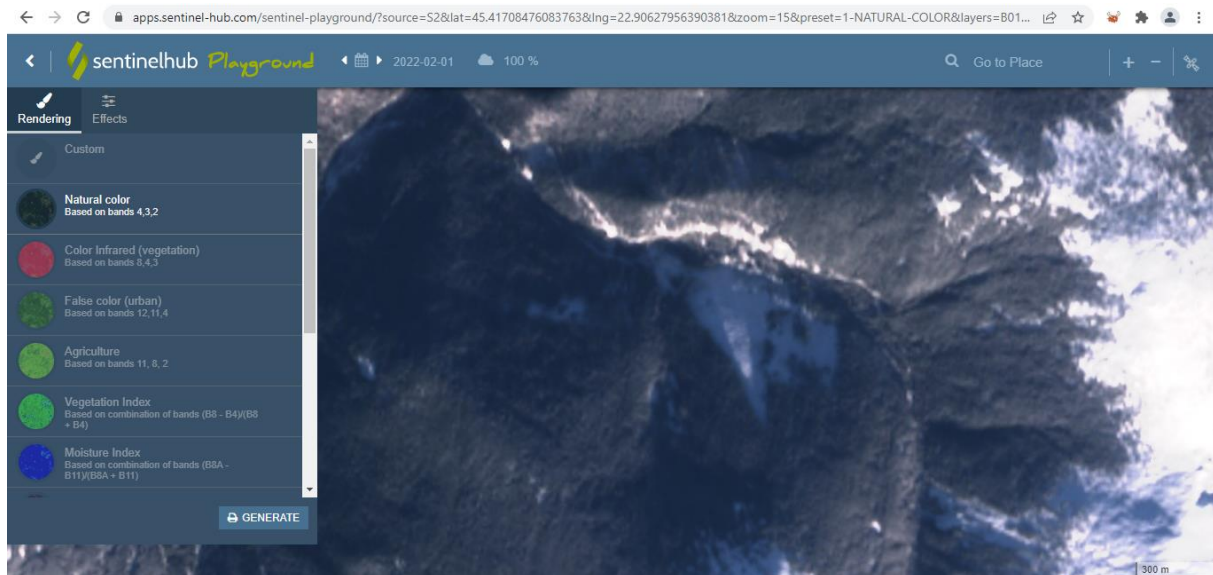


Figure 2

Very important is the fact that even the administration of the Retezat National Park admits that the valley of Râul Alb should not be included in the Sustainable Conservation Zone, but in the Integral Protection Zone. In the address no. 1301 / AZ / 09.09.2021, which can be found at the link below, at page 5 is written:

”For the forests areas within Râul Alb and Vasielu valleys, the landowners did not agree to include these in the IPZ, until the responsible authorities create a more efficient and attractive compensations system.”

https://www.retezat.ro/media/files/raspuns%20apnr_apm_hd_solicitari%20informatii%20vs%20a%202%20a%20pm.pdf

But this excuse for not including the valley of Râul Alb in the Integral Protection Zone, where it would be safe, does not have any legal basis. There is no provision providing that the zoning system of a national park is subjected to a “right of veto” of the landowners.

Yes the “(in)famous” article 22, paragraph (8), point j from Emergency Ordinance no. 57/2007 provides that in the Sustainable Conservation Zone are allowed certain logging activities, but I do not agree that the severe logging taking place in the valley of Râul Alb falls within those types of logging activities. However I would not go into such details, because it does not count. There is no Sustainable Conservation Zone legally established, so the derogation at “point j” cannot be invoked.

I must stress that even if the severe logging in the national park would be according to Emergency Ordinance no. 57/2007, it does not mean that it is according to the Bern Convention. It is common fact in Romania to have laws leading to breaching international conventions signed by Romania.

As for the mentioned controls of the corrupt national institutions, they all concluded that the logging is legal because it occurs within the Sustainable Conservation Zone, which I already proved that is a fake argument.

There are out of place accusations against me in the address no. 1102. But this complaint is not about a dispute between me and Mr. Acimov, it is about a corner of nature that should remain unspoiled for future generations to enjoy, when no one will remember that I or Mr. Acimov ever existed. I can understand that, if he would support conservation, he would be removed from its position. So here we get again to the irrational granting of the national parks administration to Romsilva, a widely known administration error, which brought "the biggest natural destruction crisis in Europe today".

<https://www.euronatur.org/en/what-we-do/news/romania-stopp-logging-national-parks>

The case of the logging on the valley of Râul Alb is just the worst example (considering the conservation area of the prior pristine valley) of a systemic issue.

I have an e-mail proving that Mr. Acimov opposed to the designation of Râul Alb as a "wild river", but I did not request permission to make it public. I am just glad that now the administration of the national park supports this great undertaking, actually cautiously glad, until I see the deed.

It is completely unacceptable that the park administration aggressively denies basic facts, does not acknowledge that "the logging is based on forest plannings illegally approved by the Hunedoara Environmental Agency, without the SEA and appropriate assessments required by law".

Government Decision no. 1076/2004, which transposes the SEA Directive, clearly stipulates, at art. 5, paragraph (2):

"Are subjected to environmental assessment all the plans and programmes which:

a) are prepared for the following domains: agriculture, forestry..."

And all the forest plannings based on which logging on the valley of Râul Alb occurs were approved without environmental assessment.

In addition, the administration of the national park can stop such illegal approval, can stop any logging in the national park. According to Emergency Ordinance no. 57/2007, Article 28¹:

"The issuance of regulatory acts for plans/projects/activities in protected areas is done only with the approval of the National Agency for Protected Areas/administrators of protected areas of national/international interest."

We have such a good practice example on Râul Alb, downstream, in the Hațeg Country Dinosaurs Geopark. The National Agency for Protected Areas issued an unfavourable opinion

for an industrial fish farm on the bank of Râul Alb, which would have destroyed the flood plain.

As for the present management plan draft, its environmental permit will be annulled by Court. On November 12 Agent Green sent the previous complaint to Hunedoara Environmental Agency. On November 18, Asociația Declic sent its own previous complaint. But it will not solve the present dramatic situation. The logging will continue because the control bodies blatantly refuse to acknowledge that Order no. 372/2003 was never published in the Official Journal of Romania, so there is no legal Sustainable Conservation Zone.

I am approaching the end of this progress report with a suggestive image of the environmental crime (figure 3). The clear-cut has reached the right bank of Râul Alb, anthropogenic erosion can develop on the bank, no longer sustained by the vegetation.



Figure 3

After the recent reform of the national parks in Slovakia, Romania remained the shame of Europe, the only country on the continent which destroys its national parks.

<https://spectator.sme.sk/c/22808615/slovak-national-parks-wont-need-to-envy-poland-and-ukraine-anymore.html>

Please acknowledge that the Ministry of Environment, Waters and Forests can stop the illegal logging in Retezat National Park at any moment, by revoking the orders which approved the forest plannings, If wishes to.

Cluj-Napoca, February 18, 2022

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