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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting
Strasbourg, 28 November - 1 December 2023

Complaint on stand-by: 2021/3

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

- EXPERT REPORT -

*Document prepared by
Independent expert Mr Peter Skoberne, in the framework of his EDPA on-the-spot appraisal in 2022*



Introduction

In 2008 European Diploma for Protected Areas was awarded to the Retezat National Park¹. An on-the-spot appraisal visit was undertaken in 2022 to assess the opportunity to renew the Diploma.

Additionally, upon the request of the Bureau of the Bern Convention a special attention was given to the forestry activities in the buffer zone of the Retezat National Park in Râul Alb valley following a complaint submitted by Mr Călin Dejeu in 2021².

History and appraisal

On 13th April 2021 a complaint was submitted to the Secretariat of the Bern Convention regarding the alleged unsustainable logging within the Retezat National Park. Main concerns were that increasing logging within the territory of Retezat National Park, on the valley of Râul Alb, will cause the loss of an invaluable genuine wilderness area, along with irreversible damage to the flora and fauna in the park, and cites violation of Article 4, point 1 and 2, Article 5 and Article 6 of the Bern Convention. Main highlights of the complaint:

- It is recalled that the Retezat National Park is an EDPA site.
- The forest habitats aggressed by this logging are degraded and fragmented. The species suffer from habitat degradation and habitat loss, lose their previously best area with no human disturbance in the national park, an area especially important for reproduction.
- There are two Natura 2000 sites overlapping the national park: ROSCI0217 and ROSPA0084.
- A complaint was filed by “Asociația Declic” to the Forest Guard, but the institution, manifesting its usual complicity with the loggers, did not stop the illegal logging, and just fined them with

¹ Resolution CM/ResDip(2008)2 on the award of the European Diploma of Protected Areas to the Retezat National Park (Romania) - https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d3083

² <https://rm.coe.int/files51-2021-romania-retezat-complaint-form/1680a2dc9d>

3.000 lei. A petition was registered to the National Environmental Guard, but no answer was received since.

- Râul Alb River was expected to be certified as “wild river” by the European Wilderness Society, but this certification is pending due to the opposition of the director of the administration of the national park, Zoran Acimov, who is openly against conservation.
- The logging is based on forest plannings illegally approved by the Hunedoara Environmental Agency, without the SEA and appropriate assessments required by law.

The Bureau of the Standing Committee to the Bern Convention discussed the complaint and the response from the Romanian authorities at two sessions (September 2021, April 2022). The summary of the conclusions of the April 2022 Bureau meeting read as following:

- The Bureau thanked both the authorities and complainant for their update reports. It also thanked the authorities for the provision of English translations of the two control reports.
- The Bureau acknowledged that an updated version of the internal zoning, in which the Strict Protection Zone and Integral Protection Zone were increased in size, had been proposed by the park administration in the new edition of the park management plan and would be submitted by the end of the year to the Ministry of Environment, Waters and Forests for approval.
- The Bureau took note of the concerns of the complainant that logging within the territory of the Retezat National Park had increased and that a new draft management plan included the valley of Raul Alb in the Sustainable Conservation Zone, in which logging is permitted to some extent, despite requests from the public to change the zoning category. It further noted the concerns that the forest plannings, based on which logging in the valley of Raul Alb occurs, had been approved without an environmental assessment.
- The Bureau reiterated its request for clarification on which types of logging are permitted in the Park. **It highlighted that the renewal assessment visit to Retezat National Park in the framework of the EDPA planned for this year should cover pending issues related to the complaint, as also suggested by the Group of Specialists on European Diploma for Protected Areas (EDPA) at its meeting in February 2022.**
- The Bureau asked both parties to provide an update report for the Spring meeting in 2023. The complaint is put on stand-by.

Field work:

On 27th September 2022 I visited the lower part of the Râul Alb valley from the timber storage near village Coroiești up to the forest road along the Râul Alb to the area within the National Park. I was accompanied by Zoran Acimov (director of the National Park), Alin Dăjulesc (ranger) and Cornel Ciolea (forester from Forest office Pui). Later I visited the local forest office in Pui and checked forestry plans and had an interview with Loghin Stoicuta, president of the village community Râul Alb.

I requested some additional information from the complainant and received them promptly by e-mails (5., 11., 14. October 2022).

Questions that were addressed

I focused on following issues:

1. Are logging activities in the Retezat National Park legal?
2. Are logging activities causing loss of an invaluable genuine wilderness area?
3. Are logging activities causing irreversible damage to the flora and fauna in the park?
4. Relation to the Natura 2000 network.

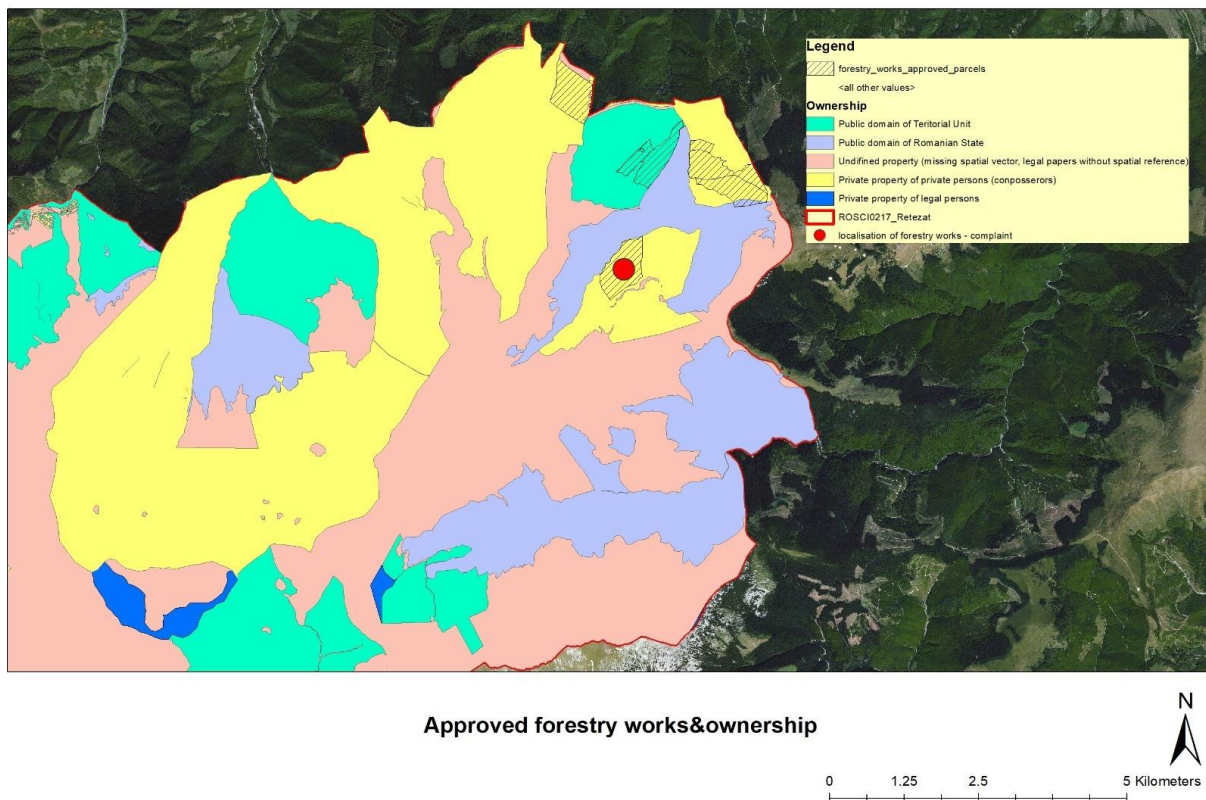
Are logging activities in the Retezat National Park legal?

Logging activities comply with the adopted forest plan (entered into force in 2015). All planned logging areas in the Retezat National Park are situated in the Zone C (SZC - Sustainable Conservation Zone) where, in line with the National Park legislation and management plan such activities can be done. The complainant is challenging the legality of the management plan, as the Management Plan from 2003 was not published in the Official Gazette of Romania and the new one is still in the adoption process.

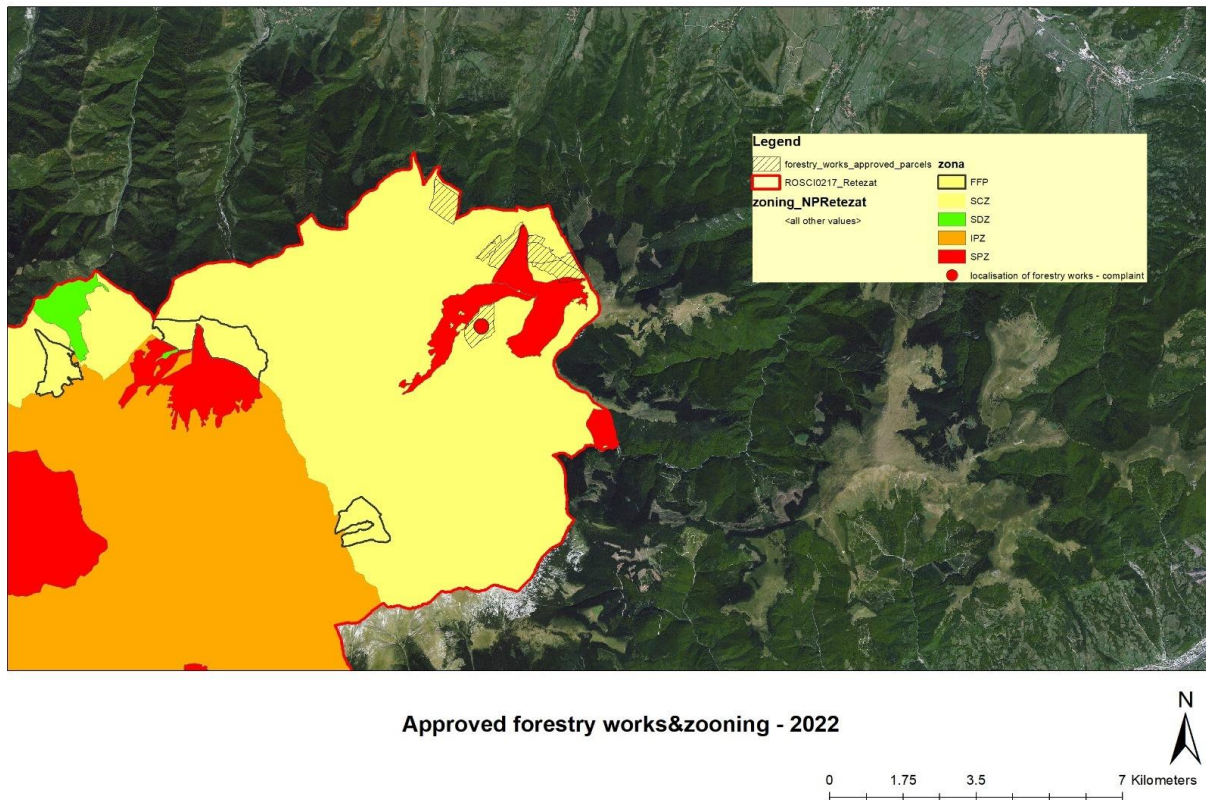
The first Management Plan (2003) was approved by the order no. 372/19.06.2003 of the Minister of Water and Environmental Protection (appended at the end of the Report) and fully used for implementation, including the application of the zonation system. I didn't detect any case that the legality of this order would be in question by anyone using provisions of the Management Plan.

Another question is, why in the North-Eastern part of the park there is such a large Zone C, despite the exceptional natural character of some areas and proposals from NGOs for stricter protection of this area.

The main reason is in the landowner's structure. Most of the land (forest and mountainous areas) is private (local communities, private owners). During the negotiations on the establishment of the National Park they insisted to their rights for further sustainable use of the forest and did not agree with the strict protection proposals. That was the main reason for the zonation in the Management Plan of 2003 and in the 2022 proposal, otherwise these areas would unlikely be included in the National Park. And if an area is in the park, a possibility to negotiate with owners to achieve higher protection standards, remains.



The National Park administration has a continuous policy to convert areas in Zone C to Zone A (SPZ - Strict Protection Zone). They succeeded to achieve stronger protection in a part of state-owned forest (one above the Râu Alb valley). Recently, in the proposal of new Management Plan they enlarged Zone A to state-owned forest listed in the Romanian National Catalogue of Virgin and Quasi-virgin Forests.



I'm not a legal expert on Romanian jurisdiction, so I cannot judge whether the approval of the Management Plan (2003) by the Minister was legal or not. But I saw during my visit and interviews that this Management Plan was respected and implemented by various stakeholders without any expressed doubts. The consultation on the new Management Plan proposed changes to the zonation in this area: stricter protection on state-owned areas, whereas zonation on private grounds remained as it was before (Sustainable conservation zone) – making forestry activities possible. Still, as it is part of the National Park - it is important that forestry remains sustainable.

There were two inspections of the National Environmental Guard (one carried out by inspectors from the Hunedoara County Branch of NEG, the other by inspectors from Arad County and Bihor County) who had no remarks on legality of the logging.

Another legal question is, whether the logging was in line with the forestry plan, that means that the works were carried out on right places, following good forestry practices and respecting planned quantities. In 2021 1366 m³ were harvested and in 2022 2547 m³ were foreseen until the end of the year. These quantities are in forestry plan not only for upper Râul Alb valley but for all areas planned for harvesting in the north-eastern part of the National Park. As the transport of timber is controlled it is possible to check this and in case the quantities are higher than planned, inspections can be notified.

The complainant mentioned illegal forest roads, as well. Part of the forest road is crossing an area that is listed in the virgin forest catalogue. But the road was built in 2013, before the designation of the 'catalogue'.

Are logging activities causing loss of an invaluable genuine wilderness area?

The upper Râul Alb valley was in rather wilderness condition till 2013, when a new access forestry road was constructed, opening this area for access and logging. The pure wilderness character of the valley was lost with this road and its consequences. But the area is still very valuable, as affected parts are relatively small and surrounded by forests strictly protected. Although the Strict Protection Zone in state-owned forests is legally not yet adopted by the new Management Plan (partly by Catalogue of Virgin and Quasi-virgin Forests), it is accepted in the forest planning. At least in the lower part of Râul Alb valley, the forest was regularly utilised in the past by local communities and is nicely naturally regenerating.

Are logging activities causing irreversible damage to the flora and fauna in the park?

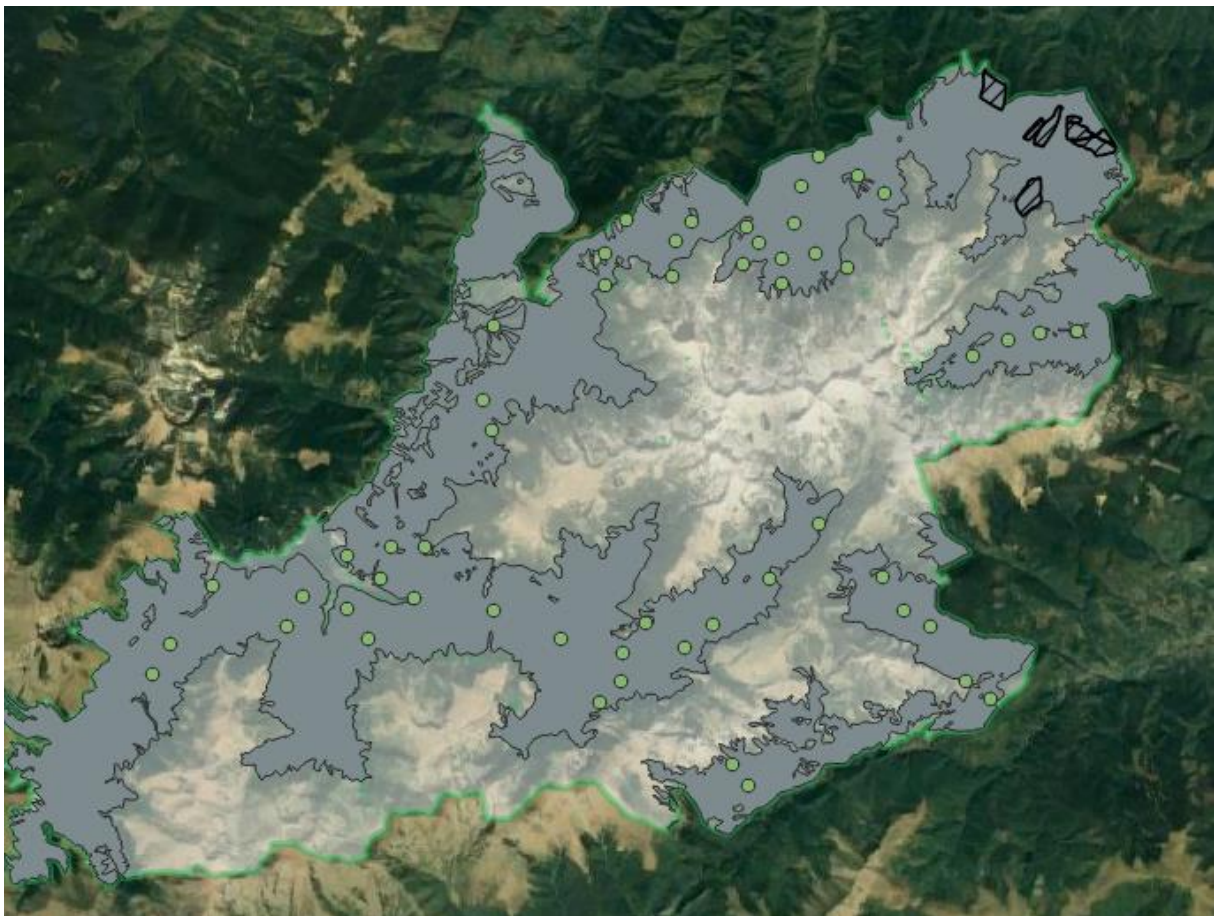
Every human intervention is affecting nature. In larger scale activities, like logging, there is direct influence on individuals of different species, introducing changes in ecosystems. Most effective is the impact on reproduction areas, whereas loss of feeding, housing or mating areas can be more easily compensated for mobile species, as surrounding habitats are well preserved and present. Damages to individuals are irreversible, whereas natural systems respond to the disturbance by natural regeneration towards the current climax conditions.

Most affected species are mentioned in the complaint: *Ursus arctos*, *Lynx lynx*, *Canis lupus*, *Rupicapra rupicapra*, *Cervus elaphus*, *Lutra lutra*, *Martes martes*, *Glaucidium passerinum*, *Aegolius funereus* and *Ciconia nigra*. It is not likely that logging activities in this part of the park would cause irreversible damage to these species within the Park.

I will give just one example. The Boreal owl (*Aegolius funereus*): the distribution data of that bird (green dots) were basis for defining conservation areas (grey area) in the proposal of the new Management plan. They are shown on the map, together with all logging areas.

It is worth mentioning that the chamois descends rarely and for short periods in this area, so it is not a typical species of this habitat.

Also, there is no credible (scientific) information regarding the presence of the black stork in this area.



Distribution data and conservation zone for Boreal owl (*Aegolius funereus*) in the Retezat National Park (Source: RNP)

The absence of data for Boreal owl in the Râul Alb valley does not mean that this species is not living there. The defined conservation zone indicates its potential presence. Logging can, of course, influence some individuals in the affected areas, but will have rather limited effect on populations within the Park.



Logging area in the upper Râul Alb valley, view towards Mare (2463 m).

Source: <https://www.facebook.com/NaturaSiAventura.Romania/videos/961257467779956/>

Having in mind the magnitude of the logging, the whole protected area, the natural character and size of the strict protection zone (SPZ, Integral Protection Zone – IPZ) of the Retezat National Park it is not likely that logging could cause irreversible damage to the flora and fauna in the park. There is no evidence of decline of particular key species in the park connected to logging.

In the past, the South-Western part of the National Park was heavily afforested. In 1880, forestry operations were carried out in the area (spruce cuttings). The owners (the Kendeffy family) engaged Italian workers from the province of Udine. After huge clear cuts, reforestation was done. Nowadays these forests are regarded as high-quality conservation forests and are mainly in the Integral Protection Zone. Just a case of historic natural dynamics.



Storage of logs at the end of 19th century (<https://www.retezat.ro/istoric>)

Relation to the Natura 2000 network and SEA

There are two Natura 2000 sites (ROSCI0127 Retezat and ROSPA0084 Muntii Retezat) overlapping the Retezat National Park. The National Agency for Protected Natural Areas is competent for these areas. In agreement with the National Park Administration, the management of Natura 2000 sites will be covered by the proposed Management Plan of the Park.

The complainant is referring to the Natura 2000 network and EU legislation on several points. The obligation of the appropriate assessment for any plan or projects derives from the Habitats Directive, so any possible violations of these provisions, the level of transposition or implementation is within the mandate of the European Commission and was not examined by me.

The same is with assessing the influence of logging the species and habitat types protected by the Nature Directives.

Conclusions and recommendations

This opinion is limited to one day examination in the field, several interviews and the study of relevant documents, some are only in Romanian language which could lead to misinterpretations from my side. With my best knowledge I tried to summarise the situation with some conclusions and recommendations.

1. Logging within the area of the Retezat National Park complies with the county forestry plan (2015) and the provisions of the National Park Law regarding Zone C (Sustainable conservation zone). The spatial zonation is defined by the Management Plan of the Park (2003) adopted by a Ministerial order. As this order was not published in the Official Gazette, the complainant did not acknowledge the plan as a valid legal basis for logging. It is his main argument to demonstrate the illegality of logging. It is beyond my knowledge and expertise to decide on that. Personally, I don't see it as a legal problem, as the Management plan was used every day by many stakeholders since 2003 and the legality of the Ministerial order was never challenged.
2. Wilderness areas in Europe become very rare and usually relatively small, thus the influence of human activities from outside is usual. Even many areas we experience as 'virgin' were managed in the past, and recovered over the years. Every wilderness area is valuable and important for European wildlife. The upper Râul Alb valley was one of such areas till 2013 when an access road was built. It is very likely that it was used extensively by local communities in the past, but I have no evidence for that. Consequences of the opening of a forest road on wildlife are obvious: direct impact of logging, influences of road building and use, noise and disturbance during work and transport, temporally possible effect on water quality, soil erosion. Indirect influences are related mostly to better accessibility, possibility of bringing more people closer to undisturbed areas. Small scale logging can have some positive effects, as well: opening areas enables the succession of habitat types which are good feeding areas for many species. Saying this I would like to be very clear: preserving wilderness areas should be the overarching goal of nature conservation, but in the light of sustainable principles, social and economic pillars have to be taken into account, as well. So only in accordance with all players through discussion and negotiation process an agreement can be reached (see also point 4).
3. When estimating the impact of logging in the Râul Alb valley on wildlife it is important to take into account the perspective of whole Retezat massif. It is very likely that the disturbance of present magnitude can be naturally mitigated and that there are not irreversible damages on certain species or habitat types in the Retezat area.
4. Zonation of the park area depends firstly on natural assets and is inevitably related to the management goals of the protected area. Management goals have to be realistic, that means that they have to take into account the ownership structure, too. For effective management the National Park administration cannot apply goals that are not discussed and agreed with owners. In this line I understand the policy of the National Park administration to enlarge areas of strict

zones according to active negotiations with owners (State, Academy of Science, local communities). When an agreement is reached, zonal borders can be changed. There are different possibilities to reach agreements on non-intervention with owners: like compensation, swapping parcels, or simply reach common understanding (example – agreement with the Academy of Science in the South-Western area of the park). This policy is clearly seen in the evolution of the zonation.

5. For rather wild areas in private ground, the most optimal way for nature conservation is to avoid exploitation (by agreement, compensation, land swapping, et.). If this is not feasible, damage to nature can be mitigated by more sustainable planning and adjusted forestry work methods. There are some mediation possibilities subject there is a common understanding of the meaning of sustainable forestry in practice. There are plenty of such experiences which could be used in the future in vulnerable parts of protected areas in general. Such practice is very appreciated, as it seems that forestry exploitation approach outside and inside protected areas is not much different. It is an opportunity for developing good practices in this case.
6. After forest works, the road should be repaired and measures against water erosion implemented. It is recommendable that access is physically limited to owners of the land and not used for public. At the moment the road can be hardly used by personal cars.
7. Regarding the SEA and Natura 2000 I have not investigated as it is not a direct matter of the Bern Convention.
8. Local communities are part of the National Park history and contributors to the state of the nature in the park. In case you want to include their areas (pasture, forestry), you have to acknowledge their interests and seek for mutual solutions in a direct trust-building negotiation process. National Park authority demonstrate such a practice, which gives results in long run. Top-down administrative approaches seem not to work anymore.
9. It is more feasible to resolve such a dispute at national level in a constructive way, which includes possible changes in legislation, improvement of sustainable forestry practice, to strengthen inspection, etc. International treaties have no direct administrative tools to intervene at national level, but certainly can encourage better national solutions and practice.

Order no. 372/19.06.2003 of the Minister of Water and Environmental Protection – approval of the Management Plan of the Retezat National Park

MINISTERUL APELOR ȘI PROTECȚIEI MEDIULUI

ORDIN

privind aprobarea Planului de Management pentru
Parcul Național Retezat

Nr. 372 din 19.06. 2003

Ministrul apelor și protecției mediului,

în temeiul dispozițiilor art. 19, litera (1), din Legea nr. 462/2001 pentru aprobarea Ordonanței de urgență a Guvernului nr. 236/2000 privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei și faunei sălbatice

având în vedere avizul Comisiei Monumentelor Naturii a Academiei Române nr. 502/14.03.2003 privind Planul de Management pentru Parcul Național Retezat

în baza dispozițiilor art. 7 din Hotărârea Guvernului nr. 17/2001 modificată și completată cu Hotărârea Guvernului nr. 352/2001 privind organizarea și funcționarea Ministerului Apelor și Protecției Mediului, emite următorul

ORDIN

- Art. 1. Se aprobă Planul de Management pentru Parcul Național Retezat, elaborat de către Administrația Parcului Național Retezat cu sprijinul Consiliului Științific și al Consiliului Consultativ de Administrare, în cadrul proiectului GEF „Managementul Conservării Biodiversității”.
- Art. 2. Planul de Management pentru Parcul Național Retezat constituie Anexă la prezentul ordin.
- Art. 3. Administrația Parcului Național Retezat va pune la dispoziție instituțiilor și persoanelor interesate, cu titlu gratuit, planul de management și va face publice acele părți de interes general din planul de management prin mijloace specifice, precum pliante și panouri de afișaj în zona parcului.

MINISTRU

Petru LIFICIU

