Centralized National Risk Assessment for Romania

FSC-CNRA-RO V1-0 EN

Title:	Centralized National Risk Assessment for Romania
Document reference code:	FSC-CNRA-RO V1-0 EN
Approval body:	FSC International Center: Policy and Standards Unit
Date of approval:	20 September 2017
Contact for comments:	FSC International Center - Policy and Standards Unit - Charles-de-Gaulle-Str. 5 53113 Bonn, Germany
	 +49-(0)228-36766-0 +49-(0)228-36766-30 policy.standards@fsc.org

The Forest Stewardship Council® (FSC) is an independent, not for profit, non-government organization established to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

Contents

Risk assessments that have been finalized for Romania

Controlled Wood categories		Risk assessment completed?
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

Risk designations in finalized risk assessments for Romania

Indicator	**Risk designation** (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Specified risk
1.2	Low risk
1.3	Low risk
1.4	Specified risk
1.5	Specified risk
1.6	Low risk
1.7	Low risk
1.8	Specified risk
1.9	Specified risk
1.10	Specified risk
1.11	Specified risk
1.12	Specified risk
1.13	N/A
1.14	N/A
1.15	N/A
1.16	Specified risk
1.17	Specified risk
1.18	Low risk
1.19	Low risk
1.20	Low risk
1.21	Specified risk
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Low risk
2.3	Low risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low Risk
3.1	Low Risk: Strictly protected forest, Forest inside protected areas, Private plantations for biomass; Specified Risk: Conservation forest outside protected areas, Production forest outside protected areas, Pastures with canopy cover <0.4 (forested pastures) with or without forest management plan
3.2	Low Risk
3.3	Low Risk: Strictly protected forests, Conservation and Production forests inside protected areas, Private plantations for biomass; Specified Risk: Conservation forest outside protected areas, Production forest outside protected areas, Forested pastures

3.4	Low Risk
3.5	Low Risk: Strictly protected forests, Private plantations for biomass, Forested pastures; Specified risk: Conservation forest outside protected areas and inside protected areas, Production forest outside protected areas and inside protected areas
3.6	Low Risk: Strictly protected forests, Conservation forest inside and outside protected areas, Private plantations for biomass; Specified risk: Production forest inside and outside protected areas, Forested pastures Specified Risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Low risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

Risk assessments

Controlled wood category 1: Illegally harvested wood

Overview
The Romanian forest sector is characterised by a diverse ownership structure:
Table 1. Ownership structure, 2012 according to Romanian Court of Accounts, 2013. A synthesis of the report Patrimonial Situation of the Romanian Forest Fund (all forests, lands for afforestation, those serving crop needs, forestry production or administration, ponds, streams, as well as non-productive land included in forest management plans) between 1990 and 2012 (p. 81) http://www.curteadeconturi.ro/Publicatii/economie7.pdf

Ownership		**Area (ha)**	**%**
	State	3.254.000	50
	Administrative-territorial units	1.029.000	15
Private property		2.236.000	35
TOTAL		**6.519.000**	**100**

The legal system of forest management does not differentiate between the different forms of ownership. The Romanian silviculture management system is based on the French forest regime, that is the set of “technical forest, economic and juridical norms about Forest Management Planning, culture, harvesting, protection and guarding of the forest fund, with the final objective being to ensure the sustainable management of forest ecosystems” (Forest Code, 2008).

In order to implement the forest regime in all forests, irrespective of the ownership group, the two main instruments of the compulsory and unitary forest administration are – Forest districts (FD) (based on territorial units), which are organised on the same basis in private or in public forest, and Forest Management Plans (FMP).

Forest Management Plans, developed by contractors authorised by governmental commission and approved by Ministerial Order are a prerequisite of legal timber harvests. As stated in the Forest Code of 2008, a forest owner (with less than 10 ha) who has no FMP cannot harvest more than 3 cubic metres per hectare per year. If forest owners have a Forest Management Plan (FMP) in force, they can harvest according to the annual plan of cuttings. For this, a forest official – the forest manager of the Forest district in question – will first do the timber inventory and the timber marking in the field, then the volumes to be harvested are recorded in the volume estimation document (VED); these volumes constitute the basis for selling (OM 1540/2011). The timber can be sold either as standing stock (stumpage) or as harvested timber in the primary platform.

Before harvesting, the contractor/owner must obtain a harvesting permit from the Forest district and the tracts will be checked for discrepancies with the permit – missing timber or other forest- and timber-related damage – before, during and after harvesting. The timber cut can only be transported out of the forest with a document of origin (called a delivery note), after the volumes cut are recorded in the electronic timber tracking system (SUMAL). The truck may leave the forest only after obtaining a unique code generated by the wood tracking system (HG 470/2014).

Timber harvesting is monitored in the forest by the forest manager (from the FD in question) who is supposed to check the harvesting process at intervals of no more than 60 days (OM 1540/2011). Secondly, harvesting, but especially timber transportation, is controlled by the Forest Guard (before 2015 the Forest Inspectorate) and the police (local and traffic police – both of which have the authority to stop trucks, ask for their unique codes and check that the quantity transported corresponds to the quantity recorded in the wood tracking system).

In 2015, Romania had a Corruption Perception Index (CPI) score of 46 (below the threshold of 50) and, according to the World Bank Worldwide Governance Indicators (on a scale of -2.5 [worst] to 2.5 [best] in 2014), received a score of 0 for Government Effectiveness, 0.15 on Rule of Law, and -0.14 on Control of Corruption, indicating that the country has a lower-middle score on governance and high levels of corruption. Thus Romania can be considered to be at the lower-middle level on governance and law implementation, and middle-high level of corruption.

Summary of legislation applicable to timber harvesting:
- Forest Code (law 46/2008 modified, republished 2015);
- Ministerial Order 1540/2011 on harvesting rules;
- Governmental Decision 470/2014 on Timber transporting and trade rule, and application of EUTR 995/2010.

The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance in regards to the national legality risk assessment for Romania. The following sources have been used:
a) Chatham House: http://www.illegal-logging.info/;
b) Environmental Investigation Agency: http://www.eia-international.org;
c) Forest Legality Alliance: http://www.forestlegality.org/;
d) Government reports and assessments of compliance with related laws and regulations;
e) Independent reports and assessments of compliance with related laws and regulations, e.g., the Royal Institute of International Affairs: http://www.illegallogging.org;
f) Justice tribunal records;
g) Public summaries of FSC forest management certification reports published at info.fsc.org (information on legal areas where non compliances have been identified during the certification process that are likely to be common for non-certified operations);
h) Public summaries of other 3rd party forest legality certification/verification systems;
i) Stakeholder and expert consultation outcomes from NRA development processes;
j) Transparency International Corruption Perceptions Index: http://www.transparency.org/policy_research/surveys_indices/cpi;
k) World Bank Worldwide Governance Indicators: http://data.worldbank.org/datacatalog/worldwide-governance-indicators;
l) In cases where other sources of information are not available, consultations with experts within the area shall be conducted.

Where relevant, these sources have been referenced under “Sources of Information” in specific sub-categories.

No other sources were found to be relevant to the legality risk assessment for Romania.

Sources of legal timber in Romania

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Production forest	Harvesting certificate Harvesting permit Volume Estimation Document (APV) Environmental permit Approval from the National Park Administrator (if is the case) Approval from the Natura 2000 site Custodian (if is the case)	Forest Management Plan	-
Conservation forest	Harvesting certificate Harvesting permit Volume Estimation Document (APV) Environmental permit Approval from the National Park Administration (if applicable) Approval from the Natura 2000 site Custodian (if is the case)	Forest Management Plan	Natural conservation forests (harvest restricted to max. 10% of volume/decade)
Plantation	Harvesting permit Volume Estimation Document (APV)	-	-

Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		Legal rights to harvest	
1.1 Land tenure and management rights	**Applicable laws and regulations** Land Resources Law 18/1991 – Articles 2, 45,46,47,48,95, http://legislatie.just.ro/Public/DetaliiDocument/1459 http://lege5.ro/Gratuit/gmzdqnzuge/law-on-the-land-resources-no-18-1991- Law 1/2000 on reconstitution of the property right over agricultural and forest land claimed in keeping with the	Government sources Romanian Courts of Accounts, 2013, Audit report regarding “The patrimonial situation of the forest resources in Romania, in the period 1990-2012”: http://www.curteadeconturi.ro/Publicatii/economie7.pdf Romanian Court of Accounts, 2014, Audit report of the performance of the administration of the forest fund	Overview of Legal Requirements Land tenure Following the collapse of communism in 1991, Romania has undergone a lengthy process of property rights restoration. The land ownership restoration process started with the first restitution law, 18/1991 (Land Resources Law), enacted one year after the fall of the communist regime. Regarding forest areas, the law stipulates the restoration of areas up to one hectare per family. In the

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	provisions of Land Law 18/1991 and 169/1997, Article 24,25,26,27,28,9,30,31 http://legislatie.just.ro/Public/DetaliiDocument/20557 http://lege5.ro/Gratuit/gmzdqnzugm/law-no-1-2000-on-reconstitution-of-the-property-right-over-agricultural-and-forest-land-claimed-in-keeping-with-the-provisions-of-law-on-land-resources-no-18-1991-and-law-no-169-1997 Law 247/2005 on the reform of property and justice, and other measures [Legea nr. 247/2005 privind reforma în domeniile proprietăţii şi justiţiei, precum şi unele măsuri adiacente)], Titles IV, V, VI: http://legislatie.just.ro/Public/DetaliiDocument/63447 Law 107/1996, articles 30,31: http://www.cdep.ro/legislatie/eng/vol28eng.pdf Ministerial order No. 904/2010 regarding the approval of the Procedure to constitute and authorise the Forest districts and their attributes, models for constitution documents, organization and functioning, as well as the content of the National Registry of Forest Administrators and Forest districts [ORDIN Nr. 904 din 10 iunie 2010 pentru aprobarea Procedurii privind constituirea şi autorizarea ocoalelor silvice şi atribuţiile acestora, modelul documentelor de constituire, organizare şi funcţionare, precum şi conţinutul Registrului naţional al administratorilor de păduri şi al ocoalelor silvice]: http://legislatie.just.ro/Public/DetaliiDocumentAfis/140035 Decision 1076/2006 Rules for the security of the forest fund: http://legislatie.just.ro/Public/DetaliiDocumentAfis/112636	between 2010 and 2013 [Raport de audit al performanței modului de administrare a fondului forestier național în perioada 2010 – 2013]: http://www.curteadeconturi.ro/Publicatii/Sinteza_FF.pdf Non-Government sources Bouriaud L., Marzano M., 2014. Conservation, extraction and corruption: Is sustainable forest management possible in Romania? In: Gilberthrope E., Hilson G. (ed.), Natural Resource Extraction and Indigenous Livelihoods, Development challenges in Era of Globalisation. Ashgate, pp. 221-240	interest of reducing ownership fragmentation, it was decided not to restore areas according to the old forest property boundaries, but to group them at the edges of forest massifs. The next laws dealing with land restitution (107/1996, 1/2000) allowed former owners to claim areas occupied by forests up to a limit of 10 hectares (for private owners) and 30 hectares for associative farms, public institutions or religious entities. The principle of “restitutio in integrum” (restitution in full) was stated in Law 247/2005, 15 years into the transition period. At that point, 362,335 ha had been restored according to Law 18/1991 (5.7 % of the forest fund to that date) and 1,902,275 ha (29.9% of the forest fund) according to Law 1/2000 (Nichiforel 2005). In 2012, the distribution of property types in the forestry sector of Romania was 6.4 million ha (Report of the Romanian Court of Accounts, 2013), divided as follows: - Public state-owned forest – 3,227,907 hectares, for which the property title is for forest management land (50%) - Public administrative-territorial units – 1.111.000 hectares (17%) - Individual private owners – 1.213.000 hectares (18%) - Associative forms – 736.000 hectares (10%) - Validated claims and not restored – 182.000 (5%) To date (2016), the restitution process is not finished; there are still unresolved claims to forest and agricultural lands.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legal Authority Local councils and property restitution commissions Ministry of Environment, Water and Forests National Forest Guard **Legally required documents or records** Property titles for private owners and associative forms Forest Management Plans for state forests		Management rights According to the Forest Code (Law 46/2008, art 10), the administration of forest areas or provision of forest services (especially guarding against illegal harvesting and timber theft) is mandatory, regardless of the type of ownership. Only authorized Forest districts can be administered. The authorization of Forest districts is done by the Central Authority Responsible for Silviculture (Ministry of Environment, Water and Forests) and its regional representatives (Forest Guard Offices), in accordance with Ministerial Order No. 1330/2015. The Forest district has to register each contract for administration or for services provided (services of guarding, drafting of Volume Estimation Documents, delivery documents etc.) at the local office of the Forest Guard. Description of risk Land tenure In 2013, the Romanian Court of Accounts issued a report based on the audit of the forestry sector, stating the main concerns regarding the development of the sector after the fall of communism. The report provides a detailed overview of the restitution process, describing it as confused, hesitating and lacking vision. The repeated laws dealing with forest restitution have prolonged the restitution process, and any misinterpretations have been exploited by persons issuing illegal claims to forest areas. The report estimates that, in different stages of ownership restoration (claimed, validated, fully restored), approximately 561,168 ha of forest land have been the object of illegal restitution on the basis of unlawful claims and illegal actions, including:

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			- Claimed areas being larger than the original property; - Claims being made on areas that were not the object of communist nationalization, but which were the object of laws enacted prior to that (for instance, the Law of Secularization of Monastery Property of 1863, and Law 187/1945 regarding the compensation of war veterans with agricultural and forest lands); - Claims being made for forests that were taken by the state in lieu of debts; - Claims being made in the names of foreign firms that were not the object of the restitution laws; - Cases in which not all the heirs of the initial associative members were found and the claim was made for the entire area; - Situations where the claim was made by persons without heritage, by unlawful representatives of the associative forms or religious entities that only had rights of usage and not ownership; - Claims made according to fabricated documents, or old documents that were either vague or not updated to reflect conditions in 1948; - Cases in court in which the National Forest Administration (RNP – Romsilva) was considered to lack the processual quality (since it is the only administrator of state forests) and the cases were settled in the favour of the people claiming property restoration, since the rightful representative of the state (the Ministry of Public Finances) was not present in the court. Since the release of the report by the Romanian Court of Accounts (2013), other cases of disputes over land tenure and illegal forest restitution have been discovered and dealt with in the Court of Law: - Large areas over which illegal restitution was made by the Court of Law and the National Forest Administration under the influence of political support;

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			this support was supposed to be rewarded with parts of the property in question; - Illegal procurement of land and unlawful selling contracts. All the factors described above contribute to the large area of forest land with disputed ownership, usually classified as “M” sub-compartments in the forest management plan and exempted from any management activities. Legislation prohibits any management whatsoever of areas that are subject to legal disputes. The forest management plan includes a chapter regarding ownership titles and areas identified as disputed. Also, the private owners are obligated to contract management services with the forest district and to register the contracts with the Forest Guard territorial office. Thus, in cases of valid management plans or registered contracts, the risk of illegal land tenure is considered low. Usually a forest entity will have the required forest management plan in place (See 1.3). Concerning the private individual owners: due to the fact that the restitution process lasts for more than two decades (areas up to 10 ha can be claimed), many of the owners included in the property titles are dead and descendants did not follow the legal formalities for succession yet. A risk is identified regarding the succession forms only for private individuals that had not made the succession procedure, to obtain the inheritance certificate (i.e. the successors have the right for inheritance, but is not the legal owner until the inheritance certificate is obtained) or another legal document certifying the right to property. In practice, some forest administrations are satisfied with the presentation of an affidavit from one successors (in cases of multiple ones), requesting the forest administration /services assuming at the same time full responsibility in the name of legal heirs. Thus, a certain

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			successor may benefit from the wood products, in possible detriment of others potential legal successors of the same inheritance. This fact may lead to Civil Code violation. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
1.2 Concession licenses	**Applicable laws and regulations** Law 46/2008, republished in 2015 Forestry code (Art. 11, line 3): http://legislatie.just.ro/Public/DetaliiDocument/170527 Order of the Ministry for Environment and Forests no. 367/17.03.2010 for the approval of the concession value, of the calculation and payment methods for the royalty obtained from the concession of the forest lands which are part of the public property of the State related to the actives sold by the National Forest Administration, Romsilva, as well as of the template of the concession agreement, published in the Official Journal, Part I, no. 196/29.03.2010, with subsequent amendments: http://legislatie.just.ro/Public/DetaliiDocument/117505 **Legal Authority** Ministry of Environment, Water and Forest Forest Guard	Government sources N/A Non-Government sources N/A	Overview of Legal Requirements The Forest Code of 2008, modified in 2015, states that publicly owned forest areas cannot be subject to concession, with the exception of administrative land that is currently under buildings that were sold by the National Forest Administration or was occupied by constructions built before 1990. Description of risk No publicly owned land covered by forest vegetation can be subject to concession: concession of forest resources is not a practice in Romania. Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legally required documents or records Property title Concession agreement		
1.3 Management and harvesting planning	**Applicable laws and regulations** Law 46/2008 regarding the approval of the Forestry Code title III http://legislatie.just.ro/Public/DetaliiDocument/90768 Ministerial order no. 460/2010 regarding the approval of the Methodology for certification of specialized units to establish Forest Management Plans [ORDIN nr. 460 din 1 aprilie 2010 pentru aprobarea Metodologiei de atestare a unităţilor specializate să elaboreze amenajamente silvice]: http://legislatie.just.ro/Public/DetaliiDocument/118103 Ministerial order no. 1039/2010 for approval of the Methodology for certification of experts that technically guarantee the quality of Forest Management Planning and the Methodology to certify project responsibles for the Forest Management Planning activities [ORDIN nr. 1.039 din 1 iulie 2010 pentru aprobarea Metodologiei de atestare a experţilor care certifică, din punct de vedere tehnic, calitatea lucrărilor de amenajare a pădurilor şi a Metodologiei de atestare ca şefi de proiect pentru lucrări de amenajare a pădurilor]: http://legislatie.just.ro/Public/DetaliiDocument/120652 Technical regulation no. 5/2005 regarding the design of Forest Management Plans Ministerial order no. 1651/2000 regarding the approval of the Technical regulations for evaluating the volume of wood for selling [O.M. nr. 1651/2000 – privind aprobarea	Government sources N/A Non-Government sources HotNews (2013): Mic ghid al furtului de lemn: Cum se mascheaza taierile ilegale din paduri. [Online]. Available at: http://www.hotnews.ro/stiri-mediu-16048006-mic-ghid-furtului-lemn-cum-mascheaza-taierile-ilegale-din-paduri.htm. [Accessed on 14 November 2016].	Overview of Legal Requirements The Forest Code as modified in 2015 states that a Forest Management Plan is mandatory for areas of forest larger than 10 hectares (article 20, line 2). In such cases, owners are entitled to harvest no more than 3 cubic meters/ha/year, taking into account the structure of the stand, without a harvest planning order to make regeneration cuts, but a Management Plan has to be drafted. In areas smaller than 100 hectares per owner per administrative unit, the continuity of the harvesting process is organized at stand level, using low intensity sylviculture system or single tree selection system. The validity of a Forest Management Plan is usually 10 years (for high forest) and 5 years for coppices with high growth rates. Forest Management Plans are developed by firms authorized by governmental commission and approved by a representative of the Central Authority for Silviculture (Ministry of Environment, Water and Forests) and by environmental protection agencies. Each forest management plan is subject for public consultation organized by the Environmental agency in order to obtain the environmental permit. Forest Management Plans are based on a stand-level inventory of forest resources within the Forest Management Unit (FMU) in question, verified by representatives of the Forest guard.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Normelor tehnice privind evaluarea volumului de lemn destinat comercializarii]: http://ocoalederegim.ro/norme_tehnice.html Ministerial order no. 3397/2012 criteria and indicators for identification of virgin forests in Romania: http://legislatie.just.ro/Public/DetaliiDocument/141475 **Legal Authority** Ministry of Environment, Water and Forests Forest Guard **Legally required documents or records** Management Plan – for areas larger than 10 hectares Harvest plan – for areas larger than 10 hectares		The cost of Forest Management Plan development for areas less than 10 hectares is to be paid by the state from a special fund for improvement of forest lands (Forest Code, art 21, line 4). The annual cut allowance is computed using several methods that take into account the annual growth and yield rates, modelled according to a national yield table (Giurgiu, 2001). Each Forest Management Plan contains wood harvest plans for regeneration cuts (within the decennial and annual allowable cut) as well as a plan for forest tending operations (pre-commercial and commercial thinning, sanitary cuts). In the case of the wood harvest plans, a detailed table is provided, including areas, volumes, and types of silvicultural systems). In the case of thinning, only areas to be affected are referred to, as the volume will be computed after the marking of trees, according to the stand structure at the time the operation is done. The tending operations established in the harvest plan are the minimum compulsory interventions to be done by the FME Wood affected by pests, wind thrown or snow damage is removed from the forest through sanitary cuts (less than 1m3/ha) or accidental cuts (cuts that exceed 1m3/ha). Accidental cuts are divided into two types, depending on whether the harvesting occurs in stands of more or less than half the harvesting age (usually 60 years). The main difference between the two types is that type I accidental volumes (age greater than half the harvesting age) is deducted from the annual allowable regeneration cut, while type II accidental cuts are not deducted from the allowable regeneration cut. The accidental cuts marked for extraction in private forests

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			can be subject to control by the Forest Guard within 5 days of the Guard being notified. Description of risk The Forest Management Plan is usually paid from the resources of the forest owner, which can be a burden for owners of small areas. In such cases, reducing the quality of the harvesting work could be used as a way to reduce costs. The forest harvesting plans can be evaded by overestimating the impact of biotic and abiotic factors and marking healthy trees as a way to harvest wood from forests that are not subject to thinning or regeneration harvests. The stand-level inventory of forest resources within the Forest Management Unit (FMU) could be underestimated. However, there are no source of information indicating the potential risks as relevant at the national level. This has been corroborated by expert review and consultation. Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)
1.4 Harvesting permits	**Applicable laws and regulations** • Ministerial Order 837/2014 regarding the approval of the Methodology for the organization and functioning of SUMAL, the obligations of SUMAL users as well as the structure and transmition of standardized information [Ordinul nr. 837/2014 pentru aprobarea Metodologiei privind organizarea şi funcţionarea SUMAL, obligaţiile utilizatorilor SUMAL, precum şi structura şi modalitatea de	Government sources Ministry of Environment, Water and Forests (2015): The map of the potential risk areas for illegal logging: http://www.mmediu.ro/categorie/paduri/25 Emergency Ordinance 32/2015 regarding the establishment of the Forest Guards:	Overview of Legal Requirements Forest harvesting permits are issued to the Forest management enterprise based on the inventory of the trees to be harvested and an estimation of the volume within the Volume Estimation Document (VED). Any wood harvest from forests or forest vegetation areas (forested pastures, trees outside forests etc.), regardless of ownership, is subject to individual inventory of trees to be harvested and the drafting of the

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	transmitere a informaţiilor standardizate] http://legislatie.just.ro/Public/DetaliiDocument/162297 • Ministerial Order 596/2014 test methodology regarding the implementation of integrated information system for tracking wood materials http://legislatie.just.ro/Public/DetaliiDocument/159489 • Ministerial Order 1507/2016 regarding the approval of the Procedure for approving, modifying, annulment and expiration of the Volume Estimation Documents for timber originating from the national forest fund and the forest vegetation on lands outside the national forest fund [Ordinul nr. 1507/2016 privind aprobarea Procedurii de aprobare, modificare, anulare şi casare a actelor de punere în valoare pentru masa lemnoasă provenită din fondul forestier naţional şi din vegetaţia forestieră situată pe terenuri din afara fondului forestier national], http://legislatie.just.ro/Public/DetaliiDocument/181215 • Ministerial Order 1540/2011 regarding the approval of harvesting instructions, dates and technologies: http://legislatie.just.ro/Public/DetaliiDocument/129446 • Order no. 1798/2010 Procedure for issuance of the environmental permit (Art. 19): http://legislatie.just.ro/Public/DetaliiDocumentAfis/143346 • Ministerial Order No. 1330/2015 regarding the organization, functioning and componence of the Commission for certification of forest harvesting contractors, as well as the criteria for certification [ORDIN nr. 1.330 din 1 septembrie 2015 pentru aprobarea Regulamentului privind organizarea, funcţionarea şi componenţa Comisiei de atestare a operatorilor economici	http://lege5.ro/App/Document/g4ytmojrgi/ordonanta-de-urgenta-nr-32-2015-privind-infiintarea-garzilor-forestiere Romanian Court of Accounts (2014): An audit report on the performance of national forest found administration during 2010-2013: http://www.curteadeconturi.ro/Publicatii/Sinteza_FF.pdf Non-Government sources Greenpeace Romania (2015): Illegal cuts in Romanian forests. Available at: http://www.greenpeace.org/romania/Global/romania/paduri/Publicatii/Raport%20taieri%20ilegale%202015.pdf. [Accessed 14 November 2016]. Greenpeace Romania (2016) http://www.greenpeace.org/romania/Global/romania/paduri/raport-taieri-ilegale-2016.pdf The Center for Sustainable Policies Ecopolis (2012): A study on the means of prevention and mitigation of illegal cuts in Romania [Analiza mecanismelor de prevenire si combatere a ilegalitatilor silvice din Romania]. Available at: http://www.ecopolis.org.ro/media/Studiu%20ilegalitati%20silvice.pdf. [Accessed 14 November 2016]. Bouriaud L., Marzano M. (2014): Conservation, extraction and corruption: Is sustainable forest management possible in Romania? In:	VED by authorized forest management firms (state or private Forest districts). The classification of species, quantities and qualities is done along with the drafting of inventory papers (VED). Each tree that is marked for cutting (with a circular mark on the trunk) and the diameter at chest height, the species and quality class (I-IV) are recorded. The threshold for diameter measurements is 6 cm. The height is modelled using a regression equation, defined on the basis of a 20-30 tree sample. The measurements are introduced in the SUMAL application and the Harvesting Permit Volume Estimation Document (APV) is drafted. The application computes the overall volume and the volume per type (industrial wood, fuel wood, types of logs etc.). In pre-commercial thinning, the harvested wood is measured in stere (Unit of volume equal to one cubic meter) and converted into cubic meters using conversion factors. Estimates of volume from diameter and modelled height are based on regression equations with coefficients determined at a national level (Giurgiu, 2004). Each VED is verified by the forest fund representative at the forest district, approved by the forest district chief and posted on the site of the Forest Guard. The Ministerial Order 1507/2016 states that the Forest Guard will verify at least 20% of the VEDs registered on its website. The volume estimated through the APV is considered to be the threshold for the actual harvested volume, measured as logs and recorded in the delivery documents. The volume given in the Volume Estimation Document (VED) is the basis of the auction process for publicly owned forest, or other types of selling for privately owned forest. The volume is calculated in SUMAL

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	pentru activitatea de exploatare forestieră, precum şi criteriile de atestare pentru activitatea de exploatare forestieră]: http://legislatie.just.ro/Public/DetaliiDocument/171315 • Ministerial order no. 460/2010 regarding the approval of the Methodology for the certification of the units specialized in the establishment of the Forest Management Plans http://legislatie.just.ro/Public/DetaliiDocument/118103 • Ministerial order no. 1039/2010 for the approval of the Methodology for the certification of the experts who certify in technical terms, the quality of the Forest Management Planning and the approval of the Methodology for the certification of the project managers for Forest Management Planning activities http://legislatie.just.ro/Public/DetaliiDocument/120652 **Legal Authority** Ministry of Environment, Water and Forests Forest guard Commission for Certification of Forest Harvesting Contractors (ASFOR) **Legally required documents or records** Harvesting certificate (Issued for a total quantity of wood for harvesting based on specific criteria (no. of forest engineers, no. of tractors, etc.) (ex. 15000 mc) Harvesting permit (Standing stock)	Gilberthrope E., Hilson G. (ed.), Natural Resource Extraction and Indigenous Livelihoods, Development Challanges in Era of Globalisation. Ashgate, pp. 221-240 Ministry of Environment and Climate Change, Department for Water, Forests and Fishery (2014): biometrics methods for evaluating the volume of wood. Nr. 90171/04.11.2014. Available at: http://apepaduri.gov.ro/wp-content/uploads/2014/09/Metode-dend.-12.11.2014-draft-M.GH_.pdf. [Accessed on 14 November 2016].	(Integrated Information System for Timber Tracking) and is controlled throughout the chain of custody using the Wood Tracking System, which is the contractor component of SUMAL. The harvesting of wood from publicly owned forests (state or municipality) is contracted by auction, either as standing stock or as harvesting services. An exception: wood for local communities' needs can be sold without auction using favorable prices set by the National Forest Administration or municipal councils. Contractors are allowed to take part in the auction after a previous attestation process done by a commission of the Romanian Foresters Association (ASFOR) (see also 1.1). The attestation is issued for a maximum volume of wood to be harvested over a period of time, according to the personnel and the machinery available to the firm. The contractor can participate in auctions that have listed less or equal the volume of wood it is authorized for. In private forests, the owners can choose the method by which to sell their wood, either by auction or by negotiation. Individual private forest owners are also allowed to harvest up to 20m^3 with his or her own equipment. The harvested wood is also subject to harvesting permits and delivery documents issued by the nearest Forest district office. After the adjudication and the harvest permit is issued by the Forest district chief, the firm (both private and state forests) must apply for authorization from the Environmental Protection Agency. The APV contains the total volume to be harvested, on species and assortments and the harvesting technics to be applied, in concordance with the silviculture system used. The

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			estimated volume cannot be exceeded during the harvest – the contractor is not permitted to issue delivery documents for more than the volume given in the Volume Estimation Document (VED). The timber harvesting contractors that will perform harvesting activities in any forest in Romania (with the exception of private owners that harvest up to 20 cubic meters from their own forest) have to be certified for a certain amount of timber per year by the Commission for Certification of Forest Harvesting Contractors, within the Association of Foresters in Romania (ASFOR) (OM 1330/2015). The certification is based on the number of employees with a technical forestry background (technical school or faculty) and the presence of harvesting equipment (tractors, chainsaws, tower yarders etc.). The existence of harvesting certificate is conditional to obtain the harvesting permit. Description of risk The risks related to harvesting permits originate in the issuing procedures and in the difficulty of controlling the decision system behind establishing the types of cuts, the drafting of APVs and the monitoring of the chain of custody through the wood tracking application. The results of the National Forest Inventory show a difference between the volume harvested (computed through inventory) and the volume recorded in legal documents (annual reports of each forest management enterprise [FME] to the National Statistical Institute, containing a centralization of the volumes harvested by types of cuts – regeneration, thinning, conservation, and sanitary or accidental cuts) of about 8.8 million cubic meters each year. This volume is considered to be illegally harvested (without a permit or on the basis of underestimated inventories) (Government decision regarding the establishment of the Forest Guards,

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Emergency Ordinance 32/2015 regarding the establishment of the Forest Guards:). This amount of 8.8 million cubic meters is not categorized by region or ownership types, and is valid for the entire country. The Audit Report of the Romanian Court of Accounts (2014) states several causes and means by which the illegally logged volume is introduced into the chain of custody: - Ownership fragmentation and insufficient marking of property boundaries in the field, and lack of administration contracts for every forest area (415,155 ha of forest was not under guarding and administrative contracts with authorized Forest districts in 2013), leading to the possible issuing of harvesting permits for areas outside the boundaries of the relevant property; - Harvesting permit issued masking of illegal logging as inventory for “accidental cuts”, which are not always justified or properly checked; According to NGOs active in recent years (Greenpeace, WWF, Agent Green, Environmental Investigation Agency, Ecopolis, Nostra Silva) all of these situations can arise in a climate of a lack of proper enforcement of justice. The case study presented by Ecopolis in 2012 showed that of 7,168 initiated cases (concerning damage exceeding 5m3), only 723 dossiers had been filed in Court, the rest having been dismissed by the prosecution. Out of these 723, only 4% (34 cases) led to a custodial sentence being imposed, while 60% received suspended sentences and 36% received pecuniary penalties. However, in the years since, measures to control illegal logging have increased, and as a result, in 2015, about 35,000 cases of illegal logging were recorded (compared to about 10,000 in 2011) (Greenpeace, 2015) and in 2016, 9444 cases of illegal logging (Greenpeace, 2015). Decreasing the number of cases of illegal cuts is the result of the new Legislative

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			provisions that increased the number and amount of sanctions, of a Greater involvement of civil society in the process of reporting illegal logging and increasing the role of county police in the process of controlling and sanctioning. Also, the Forest RADAR (mobile application to check the legality of timber transport) resulted in 16,214 calls in 2016 and 19,946 calls in 2015 for verification of the legality of wood transports, out of which 20% in 2016 and 17% in 2015 were discovered to be illegal. This does not necessarily mean that illegal cuts had proliferated in 2015, just that a more detailed approach by the authorities had uncovered wrongdoing more effectively. Following legal requirements for the harvesting validation, the timber volumes harvested in the field must be accurately similar with the VED, even though the VED is an estimative document (error margin of 5 % with a 68 % of probability, or error of 8-10 % with 95 % of probability). This legal requirement does not correspond with the real situation in the field. The correction situations of the VED that are mentioned by MO 1507/2016 refer only to verifications of the VED prior to timber harvesting and no further corrections can be made using the more accurately measured volume of logs after harvesting. In practice, a majority of timber harvesting result which corresponds to the initial estimation with differences below 1 m3 raise concerns, considering that the 10% accuracy for 500 m^3 on VED means 50 m^3. In the last year, the modifications of the law 171/2010 regarding the penalties for contraventions related to the forestry sector includes severe punishments including for violations related to VEDs drafting, approval and

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			verification. As the modification of the law is only active since 20th of October 2016, its results in practice as a risk mitigation have yet to be evaluated. Harvesting certification In order to be registered, timber harvesting contractors must present a list of equipment and technical personnel that should cover the volume of timber which can be harvested by the contractor in a one-year period. The persons have to be employed full time and only in one firm. Controls were made of firms that have a valid contract for verification of continuous employment of technical personnel. The risk related to the issue of harvesting certificate is concerning the state of the machinery used in forest, usually, with several years of use, representing a hazard for health and safety and environment. The harvesting permit is issued based on a valid harvesting certificate. Thus, the wood selling procedure regarding standing stock is based on the volume estimation document which does not represent the real quantity of wood obtained by harvesting. The harvesting certification issued for logging companies does not represent in practice the technical capacity of the company. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
Taxes and fees			
1.5 Payment of royalties	**Applicable laws and regulations**	Government sources Environment Fund Administration (N.Y): INFORMARE. Privind plata contributiei la Fondul pentru mediu.	Overview of Legal Requirements Volume-based taxes and fees are specifically defined for each single agreement/license, and therefore no general requirements can be outlined. Surety bond is

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
and harvesting fees	Government Emergency Ordinance 1962 December 2005 on the fund for the environment (Art. 9, f.): http://legislatie.just.ro/Public/DetaliiDocument/67529 Law 46/2008 republished in 2015 Forestry code (Art. 33): http://legislatie.just.ro/Public/DetaliiDocument/170527 Law 56/2010 the accessibility of forest (Art. 5): http://legislatie.just.ro/Public/DetaliiDocument/117299 Government Decision no. 924 / 4 November 2015 for the approval of the rules for selling timber annually harvested in the public property forest fund (Art. 25): http://legislatie.just.ro/Public/DetaliiDocument/172892 **Legal Authority** Environment Fund Administration Ministry of Public Finances; National Agency for Fiscal Administration (ANAF) Fee payment receipts **Legally required documents or records** N/A	Available at: http://www.afm.ro/declaratii.php. [Accessed on 14 November 2016]. National Agency for Fiscal Administration (N.Y): https://www.anaf.ro/anaf/internet/ANAF/acasa/!ut/p/a1/04_Sj9CPykssy0xPLMnMz0vMAfGjzOI9DD3MPIwsjLwsHF2dDBydLfxCLZyBAu7GQAWRQAUGOICjASH94fpR-JS4uxhDFeCxwks_Kj0nPwns3EjHvCRji3T9qKLUtNSi1CK90iKgcEZJSUGxlaqBqkF5ebleYl5iml5RvqoBNvUZ-cUl-hFIyvQLciMMskxzynwcFRUBQAKIqw!!/dl5/d5/L2dBISEvZ0FBIS9nQSEh/. [Accessed on 14 November 2016]. Non-Government sources N/A	requested by the forest district to ensure that the licensed activities are executed correctly. The deposit is returned once operations have been properly carried out. The environmental Fund consists of 2% of the value of wood (excepting fuel wood and ornamental trees). The Accessibility Forest Fund consists of 10% of the value of wood sold from accidental and regeneration cuts. According to the (2) Law no. 227/2015- Fiscal Code, art. 486, line 2, can be set by Local Councils or Forest Administrators a local road tax or road tolling payment for entities that have equipment and machinery and use them on public local infrastructure, as well as taxes for activities which have an environmental impact. Description of risk After the harvesting agreement and the harvesting permit are registered, it is practically not possible to avoid payment of taxes due to the cross checking methods between documents: Invoice, VED, harvesting permit, SUMAL, Delivery notes, harvesting result conducted by the forest guard and Finance guard. Thus, timber harvested under a legal harvesting permit is considered to be of low risk of tax avoidance. The risk on avoiding the road tolling payment appears due to forest ownership and management fragmentation, respectively of forest roads distribution. The timber owner and road owner/manager is not the same entity and thus cannot charge this road toll. In such situations, some of the operators avoid paying this tax by not informing the rightful owner/administrator of the road.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			This indicator has been evaluated as specified risk due to the risk for road avoiding tolling payment Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
1.6 Value added taxes and other sales taxes	**Applicable laws and regulations** • Full legal title, and reference to relevant Chapter, Section or Clause as appropriate • Hyperlink to Applicable legislation (in English where available) Law 227 / 8 September 2015 Fiscal Code (Chapter VII): http://legislatie.just.ro/Public/DetaliiDocument/171282 Law 46/2008 republished in 2015 Forestry code (Art. 126): http://legislatie.just.ro/Public/DetaliiDocument/170527 **Legal Authority** Ministry of Public Finances; National Agency for Fiscal Administration (ANAF) **Legally required documents or records** Invoice	Government sources Mfinante.ro (N.Y): Ministerul Finanțelor a publicat normele de aplicare a noului Cod Fiscal (General clarifications about the Methodological norms for the application of the Law regarding taxes). Available at: http://www.mfinante.ro/acasa.html?method=detalii&id=120035 Non-Government sources Infotva.ro (2015): Taxarea inversa pentru livrarea de materiale lemnoase. Se aplica masurile de simplificare pentru livrarea pomilor de Caciun? [Online) 15 July 2015. Available at: http://infotva.manager.ro/articole/infotva/taxarea-inversa-pentru-livrarea-de-materiale-lemnoase-se-aplica-masurile-de-simplificare-pentru-livrarea-pomilor-de-caciun-9077.html. [Accessed 14 November 2016].	Overview of Legal Requirements The following products are not subject to value added taxes: logs or rough wood, planks, boards, strips, beams, sawn wood, processed wood (assortments from cutting operations). Description of risk After the invoice is registered, there is practically not possible to avoid payment of taxes. All taxes based on invoices are calculated by special programs (electronic accounting records, online statements, etc.) and their collection is mainly based on an electronic system. The system is considered to be well implemented. For standing stock and wood materials VAT are not applicable. Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.7 Income and profit taxes	**Applicable laws and regulations** Government Decision no. 924 / 4 November 2015 for the approval of the rules for selling timber annually harvested in the public property forest fund: http://legislatie.just.ro/Public/DetaliiDocument/172892 http://legislatie.just.ro/Public/DetaliiDocumentAfis/175690 Ordinance no. 6/2013 establishing specific measures for taxation exploitation of natural resources other than gas (Art. 2 (3)): http://legislatie.just.ro/Public/DetaliiDocument/144896 Law 227/8 September 2015 Fiscal Code (Art. 2): http://legislatie.just.ro/Public/DetaliiDocument/171282 **Legal Authority** Ministry of Public Finances; National Agency for Fiscal Administration (ANAF) **Legally required documents or records** Fee payment receipts	Government sources Mfinante.ro (N.Y): Ministerul Finanțelor a publicat normele de aplicare a noului Cod Fiscal (General clarifications about the Methodological norms for the application of the Law regarding taxes). Available at: http://www.mfinante.ro/acasa.html?method=detalii&id=120035 Non-Government sources Avocatnet.ro (2015): Impozitul pe profit: ce se schimba din 2016, potrivit noului Cod fiscal? [Online] 28 September 2015]. Available at: http://www.avocatnet.ro/content/articles/id_41544/Impozitul-pe-profit-ce-se-schimba-din-2016-potrivit-noului-Cod-fiscal.html. [Accessed 14 November 2016].	Overview of Legal Requirements Income and profits are taxed as follows: 16% is paid on profits, and an additional 0.5% on income from harvesting activities. Description of risk The Romanian state had made substantial investments in recent years in the modernization of its tax collection regime. Today, almost all taxes are calculated by special programs (electronic accounting records, online statements, etc.) and their collection is mainly based on electronic systems. All economic activities are taxed under the Fiscal Code. In 2015 a special Agency was founded to check financial records, statements and other documents required for tax calculation before issuing permits. This measure forced companies to legally register all activities. After activities are legally registered, there is a strong check between payment of taxes and activities performed by companies. All companies' or employed persons' activities, like updating personal documents, participation in tenders, loans, etc., depend upon their due payment of taxes and fees. By checking the publicly available FM audit reports for 24 certificates for the period 2013 – 2017, 621 non-conformities were issued, from these 621 not one refers to the payment of taxes and fees. Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Timber harvesting activities			
1.8 Timber harvesting regulations	**Applicable laws and regulations** Forestry Code 46/2008 with further modifications, article 20 (line 10) 33 60 62 65 66 122: http://legislatie.just.ro/Public/DetaliiDocument/170527 Ministerial Order 1540/2011 regarding the Instructions for wood harvest: http://legislatie.just.ro/Public/DetaliiDocument/129446 Order no. 1798/2010 Procedure for issuance of the environmental permit (Art. 19): http://legislatie.just.ro/Public/DetaliiDocumentAfis/143346 **Legal Authority** Forest Guards Forest district Environmental Protection Agency **Legally required documents or records** Harvesting certification (for the harvesting firm, issued by the Romanian Foresters Association) Harvest authorization (for each harvesting site, issued by the forest district chief)	Non-Government sources ASFOR (2016): Proposals for the modification of the Rules 1330/2015. Available at: http://www.asociatiaforestierilor.ro/anunturi/263--propuneri-asfor-regulament-13302015. [Accessed 14 November 2016]. ASFOR (2016): Online petition for the revision of the methodolofor issuing the environmental permit, [Petiție Online Referitoare la Revizuirea Autorizației de Mediu]. Available at: http://www.asociatiaforestierilor.ro/anunturi/261-petitie-mmap-aut-mediu. [Available at 14 November 2016]. FSC: Publicly available FSC FM audit reports within the period 2013-2017.	Overview of Legal Requirements After authorization, the harvesting site is officially presented for harvest to the harvesting contractor, and training is provided regarding the type of felling, the size of the area, the skidding trails (marked in the field on surrounding trees), the admissible damage to regeneration and to remaining trees etc. Only in cases of private forest owners that harvest up to 20 cubic meters with their own equipment from their own forest are these requirements waived. The harvesting process is controlled by the Forest district or Forest Guard while underway and at completion, to mitigate any damage and illegalities occurring at the harvest site or at the primary deposit site. The Harvesting Instruction Ministerial Order (1540/2011) clearly forbids the hauling of trees with crowns in any harvest site, whether clear cut, shelterwood or thinning. It also forbids skidding through water courses, unless authorized by the Forest district chief in cases where there are no alternative routes. Any stream or river crossing must be undertaken with the use of mobile bridges or logs. The silviculture system limits the type of harvest: in clearcuts, the maximum harvesting site is limited to 3 ha in Norway spruce stands and 5 ha in hybrid poplar stands; in shelterwood systems, the harvesting process can be undertaken only outside the vegetation season and only in periods when the soil is not moist from rain or snow melt. Description of risk The main risks associated with forest harvesting are related to harvesting firms being authorized without their

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Environmental permit from the Environmental Protection Agency Volume estimation document (VED)		claims regarding equipment, machinery and sufficiently trained staff being verified. This leads to violation of the harvesting requirements. The procedure to apply for environmental authorization from the Environmental Protection Agency is, in many cases, time consuming and delays the start of the forest harvesting process. In some cases, these delays can prolong harvesting beyond the permitted period and force firms to resume the harvest in the next winter (in cases of shelterwood systems). By checking the publicly available FM audit reports for 24 certificates for the period 2013 – 2017, 621 non-conformities were issued, 33% refers to timber harvesting regulations. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities).
1.9 Protected sites and species	**Applicable laws and regulations** Law no. 95/2016 regarding the establishment of the National Agency for Protected Areas and for modification of Emergency ordinance 57/2007 regarding the protected areas regime and habitat conservation [LEGE nr. 95 din 11 mai 2016 privind înfiinţarea Agenţiei Naţionale pentru Arii Naturale Protejate şi pentru modificarea Ordonanţei de urgenţă a Guvernului nr. 57/2007 privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei şi faunei sălbatice]: http://legislatie.just.ro/Public/DetaliiDocument/178452	Government sources Ministry of Environment (2015): Water and Forests, Mapping of the potential risk areas for illegal logging and illegal timber trade in Romania. Available at: http://www.mmediu.ro/categorie/paduri/25 Ministry of Environment, Water and Forests (2016) The stage of approval of management plans for Parks reservations and Natura 2000 sites. Available at: http://www.mmediu.ro/articol/baza-de-	Overview of Legal Requirements The nature protection system includes one biosphere reserve, 12 National Parks, 13 Natural Parks, 383 Sites of Community Importance (SCI) and 148 Special Protection Areas (SPA). All forest areas have to be under the administration of state or private Forest Management Enterprises (FME), regardless of the fact that certain areas are included in a protection site. The custody of protected areas focuses on the management of the objectives that led to their establishment (protection of species, landscapes etc.) and not to the administration of the resources (forests, pastures etc.).

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Emergency ordinance 57/2007 regarding the protected areas regime, conservation of natural habitats an wild flora and fauna [ORDONANŢĂ DE URGENŢĂ nr. 57 din 20 iunie 2007, privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei şi faunei sălbatice]: http://legislatie.just.ro/Public/DetaliiDocument/83289 Decision no. 230/2003 on the delimitation of biosphere reserves, national parks and natural parks and setting up their administrations: http://legislatie.just.ro/Public/DetaliiDocument/42901 Law 5/2000 on the approval of the National Landscaping – Section III – protected areas (Art. 10): http://legislatie.just.ro/Public/DetaliiDocument/21860 Order no. 1052/2014 approving the Methodology for protected natural areas custody (Art. 29, 5): http://legislatie.just.ro/Public/DetaliiDocumentAfis/161580 Ministerial order 19/2010 for approval of the Methodological guide for adequate evaluation of potential effects of the plans or projects on natural protected areas of community importance [ORDIN nr. 19 din 13 ianuarie 2010 pentru aprobarea Ghidului metodologic privind evaluarea adecvată a efectelor potenţiale ale planurilor sau proiectelor asupra ariilor naturale protejate de interes comunitar]: http://legislatie.just.ro/Public/DetaliiDocument/115888 Order 1417/2016 regarding the establishment of the National Catalogue of Virgine and Quasivirgine forests in Romania [Ordinul nr. 1417/2016 privind constituirea Catalogului naţional al pădurilor virgine şi cvasivirgine din	date-privind-ariile-naturale-protejate-si-aprobarea-planurilor-de-management-ale-acestora/1664 Non-Government sources WWF-DC (2006): County level maps of the potential risk areas for illegal logging and illegal timber trade in Romania and HCVFs. Available at: http://www.certificareforestiera.ro/pag/harta_risc.php Mediafax (2013): Illegal deforestation: Over 900 ha of forests clearcut in Arges, in a protected area – declaration of Lucia Varga – Minstry of Water and Forests [Defrişări ilegale: Peste 900 de hectare de pădure tăiată la ras în Argeş, într-o zonă protejată]. Available at: http://www.mediafax.ro/social/defrisari-ilegale-peste-900-de-hectare-de-padure-taiata-la-ras-in-arges-intr-o-zona-protejata-11601701	The national and natural parks have a separate administration, while the custody of other reservations, SCI or SPA are assigned by auctions. Auctions are organized by the Environmental Protection Agency and custody can be assigned to private or state Forest Management Enterprises, environmental NGOs, research or educational institutions or existing park administrations. The Nature protection areas database (IUCN category I and III) lists 691 sites, some of them overlapping with the aforementioned protected areas (http://www.mmediu.ro/categorie/arii-naturale-protejate/16). There is an ongoing effort to draft management plans for the national parks and other Natura 2000 sites. The drafted plans are in different stages of approval by different institutions of the state, according to the Database on Protected Natural Areas and their management plans approvals (http://www.mmediu.ro/articol/baza-de-date-privind-ariile-naturale-protejate-si-aprobarea-planurilor-de-management-ale-acestora/1664). The parks and Natura 2000 sites overlap with and contain, in most cases, strictly protected natural reserves, which can be located both in forests and in other types of land ecosystems. Timber sourcing is permitted in areas of the sites that are not included in the strict reserve. However, any harvest in the parks or Natura 2000 sites must be pre-approved by the local environmental agencies or park administrations. Identified buffer zones, protected habitats and species are to be protected as set-aside areas specified in the forest management plan.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	România]: http://legislatie.just.ro/Public/DetaliiDocument/180307 Law 137/2010 for ratifying the Protocol regarding the conservation and sustainable use of biological and landscape diversity [Legea nr. 137/2010 pentru ratificarea Protocolului privind conservarea şi utilizarea durabilă a diversităţii biologice şi a diversităţii peisajelor, adoptat şi semnat la Bucureşti la 19 iunie 2008, la Convenţia-cadru privind protecţia şi dezvoltarea durabilă a Carpaţilor, adoptată la Kiev la 22 mai 2003]: http://legislatie.just.ro/Public/DetaliiDocument/120402 Ordinance no. 1964/2007 protected area of sites of Community importance as part of the European ecological network Natura 2000 in Romania. **Legal Authority** Ministry of Environment, Water and Forests Environmental Protection Agency Forest Guard National and Nature Park Administrations Custodians of Natura 2000 sites		Description of risk Risk of: - Protected areas without a valid management plan – there are still 16 parks and 47 Natura 2000 without a valid management plan in Romania, which can lead to illegal harvesting and wrong harvesting techniques. (http://www.mmediu.ro/articol/baza-de-date-privind-ariile-naturale-protejate-si-aprobarea-planurilor-de-management-ale-acestora/1664); - Insufficient stakeholder consultation during the development of the management plans for protected areas, which can affect the quality of the management plans; - Insufficient integration of protected areas management plans into Forest Management Plans which can lead to the use of wrong management techniques; - Lack of information regarding the management plan of forest district staff - Conflict of interest between the forest administrators and the Natura 2000 custodians or park administration (there are cases where they are one and the same, even though, for example, the custodian has to approve the forest harvest plan of the FME); - Illegal logging in protected areas (examples have been given by environmental NGOs, and there has been a declaration by delegates of the Ministry of Water and Forests about massive clearcuts in protected areas). The WWF has produced county-by-county maps of areas with high risks for illegal logging and HCVFs identified as strictly protected areas (1.1, 3D) (WWF-DC, 2006).

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legally required documents or records Nature protection area management plan, implemented in the Forest Management Plan (if applicable) Harvest plan approved by the custodian of the Natura 2000 site or park administration (if applicable)		Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
1.10 Environmental requirements	**Applicable laws and regulations** Emergency Ordinance no. 195/2005 regarding environmental protection (Art. 69), [ORDONANŢĂ DE URGENŢĂ nr. 195 din 22 decembrie 2005]: http://legislatie.just.ro/Public/DetaliiDocument/67634 Ministerial Order 1540/2011 regarding the approval of harvesting instructions, dates and technologies: http://legislatie.just.ro/Public/DetaliiDocument/129446 Decision no. 1076/2004 procedure for environmental assessment of plans and programs (Art. 2, a): http://legislatie.just.ro/Public/DetaliiDocument/54164 Order no. 1798/2010 Procedure for issuance of the environmental permit (Art. 19): http://legislatie.just.ro/Public/DetaliiDocumentAfis/143346 **Legal Authority** Ministry of Environment, Water and Forests Environmental Protection Agency	Non-Government sources Halalisan, A.F. (2014): Certification of forest management and chain of custody in Romania: a market instrument and a mean to promote sustainable forest management [Certificarea managementului forestier şi a lanţului de custodie în România: instrument de piaţă şi mijloc de promovare a gestionării durabile a pădurilor], PhD Thesis, Transylvania University in Brasov. Hotnews (2014) Preliminary conclusions of the report of the control body of the Environmental Ministry in the case the floods in Novaci: illegal harvests and nonconformities in sand and gravel exploitation [Concluziile preliminare ale raportului facut de corpul de control al ministrului Mediului in cazul inundatiilor din Novaci: defrisari ilegale si exploatari neconforme de nisip si pietris]. Available at: http://www.hotnews.ro/stiri-mediu-17879288-concluziile-preliminare-ale-raportului-facut-corpul-control-ministrului-mediului-cazul-inundatiilor-	Overview of Legal Requirements Each harvesting contractor or FME with a forest harvesting division has to obtain an environmental permit from the Regional Environmental Protection Agency (REPA), for the entire activity and for each harvesting site for the coming year. The conditions for the authorization include legislative conditions (a valid Forest Management Plan, VED, harvest authorization from the Forest district etc.), harvesting technologies and conditions (mostly according to OM 1540/2011), biodiversity requirements (harvest of protected species, disturbance of nesting areas etc.) and requirements related to forest harvesting in protected areas (obligation to obtain a permit from the park administration or Natura 2000 custodian). Description of risk The FSC audit analysis of the nonconformities identified in Romanian FMEs showed that 41.8% of non-conformances from a total of 154 were related to forest harvesting (Halalisan, 2014); the most frequent were referring to skidding trails, damage to remaining trees, and water protection. As an example, a Report by the Ministry of Environment showed that the following illegalities were encountered: forest harvests done according to a Forest Management Plan without an environmental permit or without a ministerial decision; timber harvesting done by

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legally required documents or records Environmental authorization for harvesting contractors and harvesting sites Environmental agreement for Forest Management Plans	din-novaci-defrisari-ilegale-exploatari-neconforme-nisip-pietris.htm	contractors without an environmental permit; violations of environmental legislation on the authorization of harvesting sites (by REPA); authorization of harvest documents without the approval of the corresponding custodian of the Natura 2000 site, and; authorization of harvesting activities after their completion (Hotnews, 2014). Legislative requirements were changed two years ago, without application rules having been issued or capacity assured. This leads to a risk of the Regional Environmental Protection Agency to issue environmental permits without visiting the forest, as a result, the environmental regulations are seen just as a formality. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
1.11 Health and safety	**Applicable laws and regulations** Law no. 319/2006, on work health and safety: http://legislatie.just.ro/Public/DetaliiDocument/73772 Government Decision no. 1425/2006, modified by HG no. 955/2010 and Government Decision no. 1242/2011, Standard Method for the implementation of Law no. 319/2006: http://legislatie.just.ro/Public/DetaliiDocument/76337 Government Decision no. 1051/2006 on minimal requirements for work health and safety during the manual handling of volumes which present risks for workers,	Government sources itmnures.ro (N.Y): Tematica de Control Pentry Domeniul Exploatarilor Forestiere. Available at: http://www.itmmures.ro/Tematici%20de%20control%20in%20domeniile%20silvicultura,%20expl%20forestiere,%20taierea%20si%20rindeluirea%20lemnului.pdf [Accessed on 14 November 2016]. Inspectia Muncii (2013). Raport de activitate a Inspectiei Municii – 2013. Available at: http://www.inspectmun.ro/site/RAPOR	Overview of Legal Requirements Health and safety in forestry activities is monitored by the Labour Inspectorate. The Occupational Health and Safety Act sets out the requirements for work performed by employees and officials (hereinafter "employees"), the rights and obligations of employers and employees in creating and ensuring a working environment which is safe for health, the organization of occupational health and safety in enterprises and at state level, the procedure for challenge proceedings, and the liability for violation of the occupational health and safety requirements.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	especially back injuries: http://legislatie.just.ro/Public/DetaliiDocument/74429 Government Decision no. 1146/30.08.2006 on minimal requirements for health and safety for the use of work equipment by workers: http://legislatie.just.ro/Public/DetaliiDocument/75585 Government Decision no. 1091/16.08.2006 on minimal requirements for health and safety in the workplace: http://legislatie.just.ro/Public/DetaliiDocument/74708 Government Decision no. 971/26.07.2006 on minimal requirements for health and safety signaling in the workplace: http://legislatie.just.ro/Public/DetaliiDocument/74127 Government Decision no. 1048/09.08.2006 on minimal requirements for health and safety for the use of personal protective equipment by workers in the workplace: http://legislatie.just.ro/Public/DetaliiDocument/74559 Government Decision no. 300 in 02/03/2006 on minimal requirements for health and safety on temporary or mobile sites: http://legislatie.just.ro/Public/DetaliiDocument/69995 Government Decision no. 493 in 12/04/2006 on minimal requirements for health and safety related to the exposure of workers to noise risks: http://legislatie.just.ro/Public/DetaliiDocument/71198 Order of the Ministry for Work, Social Solidarity and Family (MMSSF) no. 3/03.01.2007 for the approval of the Form for work accident recording – FIAM and of the instructions of filling in the form: http://legislatie.just.ro/Public/DetaliiDocument/79176	T%20ANUAL/Raport_2013/RaportIM_2013.pdf. [Accessed on 14 November 2016]. Inspectia Muncii (2014): Accidente de Munca Inregistrate – 2014. Available at: http://www.inspectmun.ro/site/Statistici/statistici.html. [Accessed 14 November 2016]. Non-Government sources Publicly available FSC FM audit reports within the period 2013-2017.	According to the Labour Inspectorate's report for 2013, the total number of work-related fatalities in that year was eleven (5.5% of all fatal accidents in Romania). Description of risk Notwithstanding the presence of a robust normative framework that, in theory, should safeguard workers, casual labour is a common phenomenon in Romania. By checking the publicly available FM audit reports for 24 certificates for the period 2013 – 2017, 621 non-conformities were issued, from these 77 regarding H&S issues (28 for lack of the H&S equipment, 22 for procedures and trainings, 19 for trees cutting, 8 for first aid kit). During consultations with stakeholders and members of the working group there is a common perception that most of the H&S procedures are essentially theoretical and are not properly implemented in the field. Companies' employees are skeptical of using protective equipment and are still not in the habit of using it. Machinery used in the forest sector is old, particularly forest tractors. Available data from the Labour Inspectorate for the forestry sector are scarce and their quality is low, but during consultation with stakeholders and the CW Working Group there was a common perception that forestry in Romania is moving towards better implementation of the law. Currently, however, the risk should be considered 'specified'. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.).

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Government Decision no. 355 in 11 April 2007 on the monitoring of workers' health, http://legislatie.just.ro/Public/DetaliiDocument/82130 **Legal Authority** Labour Inspection – Ministry of Labour, Family, and Social Protection **Legally required documents or records** Identification and assessment of risk at work – Law 319, Art. 12 Lit. of Instructions own safety and health at work Training records in safety and health at work Employment and periodic medical tests – Law 319, Art. 13, Lit. j Prevention and protection plan		
1.12 Legal employment	**Applicable laws and regulations** Law no. 53/2003 Labour Code: http://legislatie.just.ro/Public/DetaliiDocumentAfis/179907 Emergency ordinance no. 59/2000 on the status of forestry employees: http://legislatie.just.ro/Public/DetaliiDocument/22526	Government sources N/A Non-Government sources http://www.agerpres.ro/social/2016/07/13/cazul-de-sclavie-din-arges-procurorii-au-gasit-cinci-victime-in-lanturi-15-25-49	Overview of Legal Requirements - Persons involved in harvesting activities shall hold required certificates of competence for the function they carry out. - At least the legally established minimum salaries shall be paid for personnel involved in harvesting activities. - Salaries shall be paid officially and declared by the employer according to requirements for personnel involved in harvesting activities.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Law no. 52/2011 on activities carried out by occasional day labourers: http://legislatie.just.ro/Public/DetaliiDocument/127831 **Legal Authority** Labour Inspectorate – Ministry of Labour, Family, and Social Protection **Legally required documents or records** Labour contract Employment contract		- Minimum age shall be observed for all personnel involved in harvesting activities. - Staff shall be employed under an employment contract or registered in the daily workers register. Description of risk Notwithstanding the presence of a robust normative framework that, in theory, should safeguard workers, casual labour is a common phenomenon in Romania. As a result of various factors, including a short harvesting period, small harvesting areas, employees' dissatisfaction, taxes and fees, the length of employment is very short in the forestry sector. To avoid complications, many employees prefer not to contract workers with employment contract. The finding is based on the authors experience from the field. It has not been possible to identify written sources to provide evidence on the magnitude of the problem, which is why a specified risk is concluded based on a precautionary approach. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
Third parties' rights			
1.13 Customary rights	**Applicable laws and regulations** There are no legislation covering customary rights in Romania.	N/A	N/A

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legal Authority N/A **Legally required documents or records** N/A		
1.14 Free prior and informed consent	**Applicable laws and regulations** There is no legislation covering free, prior and informed consent. **Legal Authority** N/A **Legally required documents or records** N/A	N/A	N/A
1.15 Indigenous peoples rights	**Applicable laws and regulations** There is no legislation covering indigenous people's rights. **Legal Authority** N/A	N/A	N/A

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legally required documents or records N/A		
	Trade and transport		
1.16 Classification of species, quantities, qualities	**Applicable laws and regulations** Government decision no. 387/2016 Rules on the origin, trade and transport of timber (Art. 11, line 4a) [HOTĂRÂRE nr. 387 din 27 mai 2016 privind stabilirea unei măsuri temporare pentru aplicarea Normelor referitoare la proveniență, circulaţia şi comercializarea materialelor lemnoase, la regimul spaţiilor de depozitare a materialelor lemnoase şi al instalaţiilor de prelucrat lemn rotund, precum şi a unor măsuri de aplicare a Regulamentului (UE) nr. 995/2010 al Parlamentului European şi al Consiliului din 20 octombrie 2010 de stabilire a obligaţiilor ce revin operatorilor care introduc pe piaţă lemn şi produse din lemn, aprobate prin Hotărârea Guvernului nr. 470/2014]: http://legislatie.just.ro/Public/DetaliiDocument/178912 Government decision no 470/2014 regarding the approval of the technical regulations for origin, transport and trade of wood, [HOTĂRÂRE nr. 470 din 4 iunie 2014 pentru aprobarea Normelor referitoare la proveniență, circulaţia şi comercializarea materialelor lemnoase, la regimul spaţiilor de depozitare a materialelor lemnoase şi al instalaţiilor de prelucrat lemn rotund, precum şi a unor măsuri de aplicare a Regulamentului (UE) nr. 995/2010 al Parlamentului European şi al Consiliului din 20 octombrie 2010 de stabilire a obligaţiilor ce revin operatorilor care introduc pe piaţă lemn şi produse din lemn]: http://legislatie.just.ro/Public/DetaliiDocument/158885 Ministerial Order 1464/13.07.2016 for the modification of the Methodology regarding the organization and	Government sources Ministry of Environment, Water and Forests, Press release on the public debate of the Catalogue of virgin and quasi-virgin forests in Romania and the launch of the “Forest inspector” application: http://www.mmediu.ro/app/webroot/uploads/files/2016-07-19_Comunicat_discurs_conferinta_Paduri.pdf Ministry of Environment, Department for Water, Forests and Fisheries, Directorate for Policies, Strategies and Projects in Forestry, Communicate no. 90171/04.11.2014 for approval of the methods to estimate the volume of wood for harvesting, http://apepaduri.gov.ro/wp-content/uploads/2014/09/Metode-dend.-12.11.2014-draft-M.GH_..pdf Non-Government sources Agerpres, 30.07.2016, Prime minister Ciolos asks for the improvement of the Forest Inspector application: http://www.agerpres.ro/politica/2016/07/30/ciolos-am-cerut-ministerului-mediului-ca-impreuna-cu-mai-sa-gaseasca-solutii-pentru-imbunatatirea-aplicatiei-inspectorul-padurii--23-19-46	Overview of Legal Requirements The classification of quantities by species and quality is done first in the inventory of marked tress, and then in the drafting of the VED and the registration of the harvesting site in the SUMAL application. In the case of stumpage sale, the whole volume of the marked trees becomes a maximum threshold for all the delivery documents issued for that site. In the case of timber sold from the primary platform, the logs are sorted and sold (by auction or by negotiation) in lots or firewood stere. After harvest, the timber collected at the landing site (primary platform) is transported to log yards or processing facilities accompanied by a delivery document which states the origin of the timber (FME, FMU, compartment), the assortments (roundwood, firewood) and the volume. Logs with a diameter of less than 20 cm at the small end are marked with rectangular stamps and recorded piece-by-piece in the delivery document (length, diameter at half length, species, volume). Logs less than 20 cm at the small end are recorded by the number of similar pieces and by their dimensions. Firewood that is split and arranged in stere is recorded only as stere and its equivalent in cubic meters (using a conversion factor of approximately 0.6). Description of risk Certain risks can arise, in the case of stumpage sale, from the differences between the estimated volume and

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	functioning of SUMAL, user obligation, as well as the structure and method for transmitting standardized information, approved by Ministerial Order 837/2014 [OM 1464/2016 pentru completarea Metodologiei privind organizarea şi funcţionarea SUMAL, obligaţiile utilizatorilor SUMAL, precum şi structura şi modalitatea de transmitere a informaţiilor standardizate, aprobată prin Ordinul ministrului delegat pentru ape, păduri şi piscicultură nr. 837/2014]: http://legislatie.just.ro/Public/DetaliiDocument/180190 Law no. 171/2010 regarding the penalties for contraventions related to the forestry sector http://legislatie.just.ro/Public/DetaliiDocument/120856 **Legal Authority** Ministry of Environment, Water and Forests Forest Guards Traffic police **Legally required documents or records** Delivery documents Online Wood tracking code SUMAL agent records	Modele matematico-auxologice şi tabele de producţie pentru arborete – Giurgiu, V., Drăghiciu, D., Editura Ceres, 2004 Lucia Varga (Vice-president of the Commission for Environment and Ecological Balance, Chamber of Deputies) – The necessary firewood is approx. 13-14 million cubic meters [Lucia Varga - necesarul de lemn de foc este de circa 13-14 milioane de metri cubi] http://www.forestnews.ro/anchete/1683-bucuresti/4123-lucia-varga-necesarul-de-lemn-de-foc-este-de-circa-13-14-milioane-de-metri-cubi	the more accurate measurements at the primary platforms. Any underestimates in the diameter or heights measured in the field can be transmitted in terms of volumes throughout the chain of custody, especially if the WOOD Tracking system is not applied properly. Also, there is no cross-check of assortments in the SUMAL system, which can lead to overestimated volumes of industrial wood, which is also affected by the overestimation of conversion factors. As there is no cross-checking between the volumes of assortments in the VED and the volumes from the harvesting results, there is a certain risk that firewood harvested from a certain harvesting site is sold on the local market (with very short transportation distances and low risk of being identified by transport control) and instead of it, the extra volume harvested would be introduced in the custody chain as industrial wood. This wood is most likely to originate in underestimates of the timber measurements, both in the stand or in the primary platform. This possibility can be sustained also by the estimations of the National Institute for Statistics, which evaluated that the wood volume needed for heating in Romania is around 13 mil. m3, out of which approx. 5 mil. m3 is considered to be harvested illegally. This correlates also with the results of the National Forest Inventory that states that 8.8 million cubic meters have been cut illegally each year between 2010 and 2013 (cited as justification for Gov. decision no. 51/2016). This Government decision should improve (due to very high penalties involved) the situation forest harvesting correctitude. However, given the very recent application date of this decision, its effects have to be evaluated in future.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
1.17 Trade and transport	**Applicable laws and regulations** Law no. 171/2010 regarding the identification and punishment of silvic contraventions, (Chapter 7, Art. 25): http://legislatie.just.ro/Public/DetaliiDocument/120856 Forest Code, Chapter IX (law 46/2008 republished in 2015): http://silvagroup.ro/legislatie/codul-silvic-legea-nr-462008-pagina-3/ Government decision 470/2014 for approval of Regulations referring to the origin, transport and selling of wood products, the regime of wood storage spaces and wood processing facilities, as well as the approval of some measures for applying UE Rules 995/2010 that establish the obligations of operators who introduce wood products onto the market: http://legislatie.just.ro/Public/DetaliiDocument/158885 Order 1346/2011 http://legislatie.just.ro/Public/DetaliiDocument/128644 for approval of the Ministry of Environment Rules regarding the shape and use of special marking devices, as well as the means of marking trees and timber: http://legislatie.just.ro/Public/DetaliiDocumentAfis/160811 (Art.16) Emergency Ordinance 43/1997 on the roads regime (Art. 41, Annex 2): http://legislatie.just.ro/Public/DetaliiDocument/11269	Government sources Ministry of Environment, Water and Forests, Press release on the public debate of the Catalogue of virgin and quasi-virgin forests in Romania and the launch of the "Forest Inspector" application: http://www.mmediu.ro/app/webroot/uploads/files/2016-07-19_Comunicat_discurs_conferinta_Paduri.pdf Non-Government sources Agerpres, 30.07.2016, Prime minister Ciolos asks for the improvement of the Forest Inspector application: http://www.agerpres.ro/politica/2016/07/30/ciolos-am-cerut-ministerului-mediului-ca-impreuna-cu-mai-sa-gaseasca-solutii-pentru-imbunatatirea-aplicatiei-inspectorul-padurii--23-19-46	Overview of Legal Requirements Any shipment of wood from the forest or from any other place of trading has to be included in SUMAL (System for Wood Tracing) and its mobile component, WOOD Tracking. Furthermore, any log larger than 20 cm in diameter at the small end must be marked for transport with a rectangular stamp and with a unique identification code. The shipment documents, completed both on paper and online, must include the total volume of wood, assortments, origin, destination, vehicle registration number, date and time of loading and duration of validity, the online code from the WOOD Tracking application. In case of a lack of mobile internet reception, an offline code is generated and this must be replaced by the online version as soon as the vehicle arrives in an area with reception. Shipment documents can only be issued for volumes within the estimate by the APV. After processing, the resultant products (i.e. lumber) are reintroduced into the system using conversion factors for volume that are declared by the wood processing firm. On the road, the vehicles transporting wood can be verified by others using the "Forest Radar", which also provides the option of calling the emergency number in order to report a vehicle's registration number and location if necessary.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Ministerial Order 1464/13.07.2016 for the modification of the Methodology regarding the organisation and functioning of SUMAL, user obligation, as well as the structure and method for transmitting standardised information, approved by Ministerial Order 837/2014 [OM 1464/2016 pentru completarea Metodologiei privind organizarea şi funcţionarea SUMAL, obligaţiile utilizatorilor SUMAL, precum şi structura şi modalitatea de transmitere a informaţiilor standardizate, aprobată prin Ordinul ministrului delegat pentru ape, păduri şi piscicultură nr. 837/2014]: http://legislatie.just.ro/Public/DetaliiDocument/180190 Order no. 836/2014 for the approval of the terms and of the procedure for the issue, suspension or withdrawal of the agreement for the distribution and use of the forms of documents with special regime. http://legislatie.just.ro/Public/DetaliiDocument/162110 Order no. 837/2014 for the approval of the Methodology for the organisation and operation of SUMAL, the sesponsibilities of the SUMAL users, and the structure and ways for transmitting the standardized information. http://legislatie.just.ro/Public/DetaliiDocument/162297 **Legal Authority** Ministry of Environment, Water and Forests Forest guards Traffic police		Over the last year (2016), there have been efforts to provide for confiscation of all equipment used in illegal harvesting activities and transport in legislation. In addition, in July 2016, the Ministry of Environment, Water and Forests launched the “Forest Inspector” application, downloadable on any Android device, which allows the onsite verification of wood transports by any person (Ministry of Environment, Water and Forests press release). Description of risk The main risk associated with transportation is related to the weaknesses of the WOOD Tracking system, which allows for delivery documents to be filled in during a period of 12 hours from the loading of the truck. There are cases of truck drivers generating the online code only when they encounter a traffic control vehicle. In response to a complaint made online after the verification of a transport of wood, the prime minister agreed that the online WOOD Tracking system still has problems such as the ability to transport several similar loads with the same delivery documents and online code (Agerpres). In other cases, there have been short distance transports of firewood from the forest to the beneficiary which are never recorded in the system. This type of wood is very unlikely to be inserted into the custody chain, but could represent a way that the quantities of industrial wood that is sold with papers, within the limits set by SUMAL, could be illicitly increased (see also 1.16). Another risk associated with the illegal transport of wood is related to the overloading of trucks, above the thresholds imposed by the national road regime (Emergency Ordinance 43/1997).

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legally required documents or records Delivery documents SUMAL records WOOD TRACKING application online code generation		Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)
1.18 Offshore trading and transfer pricing	**Applicable laws and regulations** Law 227/8 September 2015 Fiscal Code Article 11 (2): http://legislatie.just.ro/Public/DetaliiDocument/171282 Order no. 222/2008, regarding the content of the transfer pricing documentation file: http://legislatie.just.ro/Public/DetaliiDocument/89707 **Legal Authority** Ministry of Public Finances; National Agency for Fiscal Administration (ANAF) **Legally required documents or records** N/A	Government sources N/A Non-Government sources https://www2.deloitte.com/content/dam/Deloitte/global/Documents/Tax/dttl-tax-transfer-pricing-country-guide-2015.pdf http://www.pwc.com/gx/en/international-transfer-pricing/assets/itp-2015-2016-final.pdf http://contabilul.manager.ro/a/15749/vesti-de-la-anaf-intr-un-nou-raport-referitor-la-preturile-de-transfer-in-contextul-inspectiilor-fiscale-care-au-vizat-verificarea-acestora.html	Overview of Legal Requirements Romania is not a member of the OECD, but has implemented legislation covering transfer-pricing that has adopted the OECD guidelines and Arm's Length Principle. Transactions between related parties shall be carried out at market prices. Related parties are defines as: • An individual (or legal entity) is a related party with a legal entity provided that they hold, directly or indirectly, including the shareholding of related entities, a minimum of 25% of the number/value of shares or voting rights in the legal entity, or it effectively controls the legal entity (unfortunately the legislation is silent on the meaning of 'effective control'). • Two individuals are related parties provided that they are spouses or relatives up to the third degree. (PWC 2015, p. 869) Description of risk From non-government sources, it seems that the amount of tax for the first half of 2015 is much higher than in the past years (approximately 130% higher than the additional tax obligations set in 2012), which demonstrates the viability of reorganization and the effective business performance of NAFA, including transfer pricing issues, that have occurred in 2013. Thus, the risk is considered low.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)
1.19 Custom regulations	**Applicable laws and regulations** Regulation (EU) 952/2013 laying down the Union Customs Code: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0952&from=en **Legal Authority** General Customs Directorate **Legally required documents or records** Export/import licenses	Government sources https://www.customs.ro/ https://www.customs.ro/UserFiles/1127_Raport%20de%20performanta%20pentru%20anul%202012.pdf(Annual report of the General Customs Directorate Non-Government sources http://cursdeguvernare.ro/proiect-documente-guvernul-conditioneaza-exportul-de-lemn-de-licenta-statisticii-masuri-valabile-doar-in-2015.html http://cmr.transportator.info/document-cmr-si-factura-de-transport/	Overview of Legal Requirements Required custom transport documentation must indicate: (i) shipping date; (ii) information on the sender, the recipient and the carrier; (iii) description of shipped goods (type and quality); and (iv) quantity Two copies of each transport document shall be issued; one is to be kept by the sender, the other by the recipient. Retention time shall be no less than 10 years. Description of risk From the Annual Report of the General Customs Directorate (Annex 13) no wood-based product was involved in violation of law or withholding of goods. As there is no export tax to be paid or log export bans, the incentives for violation of custom regulations are low, and there are no other indications timber going through customs illegally. Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.20 CITES	**Applicable laws and regulations** Order no. 255/2007 measures to implement EU regulations on trade in wild fauna and flora: http://legislatie.just.ro/Public/DetaliiDocument/80930 Law 69/1994 Convention on International Trade in Endangered Species of Wild Fauna and Flora Endangered adopted in Washington on March 3, 1973: http://legislatie.just.ro/Public/DetaliiDocument/4273 http://www.speciesplus.net/#/taxon_concepts?taxonomy=cites_eu&geo_entities_ids=76&geo_entity_scope=cites&page=1 **Legal Authority** National Agency for Environmental Protection **Legally required documents or records** CITES permits	Government sources Regulations on trade Flora and fauna species in the European Union: http://ec.europa.eu/environment/cites/pdf/trade_regulations/KH7707262ROC.pdf Non-Government sources Checklist of CITES Species for Romania: http://www.speciesplus.net/#/taxon_concepts?taxonomy=cites_eu&geo_entities_ids=76&geo_entity_scope=cites&page=1	Overview of Legal Requirements Romania has ratified the CITES Convention through Law no. 69/1994. The Management Authority in charge of implementing the Convention is the Ministry of Environment, Waters and Forests/National Agency for Environmental Protection. Description of risk According to UNEP-WCMC and the CITES Species+ database (2016), no tree species included in the CITES Appendices is found in Romania. Risk designation **'Low risk'** (Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up by the authorities and/or by the relevant entities taking preventive actions.)
Diligence/due care procedures			
1.21 Legislation requiring due diligence/ due care procedures	**Applicable laws and regulations** Regulation (EU) 995/2010 obligations of operators who place timber and timber products on the market: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:295:0023:0034:EN:PDF Regulation (EU) 607/2012 detailed rules concerning the due diligence system and the frequency and nature of the	Government sources Report from the commission to the European parliament and the council: http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016DC0074&from=EN EU Timber Regulation: First two years show progress, but more effort needed from Member States and private	Overview of Legal Requirements The competent authority designated is the Ministry of Environment, Water and Forests. According to the Governmental Decision (HG) n°688/2012, within the ministry there are two responsible bodies for EUTR implementation: The Environmental Guard and Forest Guard - entitled to exercises the control of operators and traders for the following timber products codes: 4401, 4403, 4406 and 4407. At forest level (logging

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	checks on monitoring organizations: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:177:0016:0018:EN:PDF, http://apepaduri.gov.ro/wp-content/uploads/2014/08/R-607_2012-de-punere-in-aplicare-a-EUTR.pdf Regulation (EU) 363/2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organizations: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:115:0012:0016:EN:PDF, http://apepaduri.gov.ro/wp-content/uploads/2014/08/Regulament-delegat-nr.-363_2012_norme-de-procedur%C4%83-organiza%C8%9Bii-de-monitorizare.pdf Regulation (EU) 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community http://apepaduri.gov.ro/wp-content/uploads/2014/08/Regulament-2173_2005-licen%C5%A3e-FLEGT.pdf, http://apepaduri.gov.ro/wp-content/uploads/2014/08/R-1024_2008-aplicare-FLEGT_-rom.pdf Practice Guide for operators to proper implementation of EUTR Regulation: http://www.mmediu.ro/app/webroot/uploads/files/Ghid_DDS.pdf Order no. 819/2015 Methodology regarding exercise of control provided for in art. 2 of Government Decision no. 668/2011 regarding the designation of competent authority for applying Regulation (EU) no. 995/2010 of the European Parliament: http://legislatie.just.ro/Public/DetaliiDocument/168405	sector: http://ec.europa.eu/environment/forests/eutr_report.htm, http://ec.europa.eu/environment/forests/pdf/EUTR%20implementation%20scoreboard.pdf Non-Government sources European Commission evaluates EU Timber Regulation implementation: finds progress but needs more effort: http://www.forestlegality.org/blog/european-commission-evaluates-eu-timber-regulation-implementation-finds-progress-needs-more Clientearth.org (2017): EUTR News – March 2016 to March 2017. [Online]. Available at: https://www.clientearth.org/eutr-news-march-2016-to-march-2017/ EIA (2016): Romania creates revolutionary public access in new online wood tracking system. [Online]. Available at: https://eia-global.org/press-releases/romania-creates-revolutionary-public-access-in-new-online-wood-tracking-system The online forest inspector: http://rt1.forestier.ro (N.Y): http://rt1.forestier.ro:5017/sumalsatelit/#coordonate=24.9668,45.9432/Z7	companies, forest managers), the DDS is checked by the Forest Guard and the traders are checked by the Environmental Guard. The EUTR implementation is regulated by: (i) Governmental Decisions that are establishing the responsibilities of the CA and the penalties regime: HG n°470/2014 - HG n°787/2014, OUG 51/2016 and HG n°170/2015; (ii) Ministerial decision (OM) n°819/2015 for establishing the rules, procedures and methodologies for checking operators, traders and for organizations monitoring. Operators required to implement DDS requirements are: logging companies, if the timber is sold as standing stock; the forest owner/manager, if the timber is sold as an assortment by the forest owner/manager, and traders that import from outside the EU market. For logging companies, the DDS is precondition to participate in auction. Placing on the market of illegally harvested timber is sanctioned with 15.000-20.000 RON, and confiscation of wood and vehicles involved; Administrative fines apply to operators who do not implement and/or use a due diligence system (DDS) or refuse to cooperate with the competent authority. The fines range from 8,000 to 15,000 RON. Documents needed for trading can be suspended for up to 12 months in this case. A grace-period of 45 days applies to operators when first checked; Administrative fines also apply to operators who do not properly use a DDS (including not maintaining and regularly evaluating a DDS) and range from 5,000 to 8,000 lei. Documents needed to trade can be suspended for up to 90 days in case of repeat offence; Criminal fines, much stricter than the fines for breaches of the EUTR, exist for illegal logging in domestic forests

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Government Ordinance no. 51/2016 establishing and sanctioning contraventions in forestry http://legislatie.just.ro/Public/DetaliiDocument/181818 **Legal Authority** Ministry of Environment, Waters and Forests/Department of Forests **Legally required documents or records** Documents required according to articles 4.2 and 6 of Regulation (EU) 995/2010 (EUTR), documents required according to article 3, Commission Implementing Regulation (EU) 607/2012		under Romanian forestry and environmental law and penalties include imprisonment up to 7 years in aggravated cases. Administrative fines also apply to monitoring organizations that are not fulfilling their obligation according to article 8, align (1) of the Regulation and a range from 8,000 to 15,000 lei; Description of risk Romania has approved the Government Emergency Ordinance no. 51/2016 in which sanctions are imposed for the failure to observe the DDS. It has taken effect on the 20st of October 2016. This Ordinance imposed very high fines for Romania for the failure to observe the DDS system. Although Romania has made progress on the transparency of the forestry system (see the online Forest inspector - http://rt1.forestier.ro), as the legislation has only recently been introduced it is not possible to evaluate whether this is properly implemented and enforced, which is why the indicator is considered as specified risk based on a precautionary approach. Risk designation **'Specified risk'** (Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or not enforced by relevant authorities.)

Recommended control measures

Indicator	Recommended control measures
1.1 Land tenure and management rights	**Generic** - Land registry shall confirm ownership and validity of property deed. - Tax authorities shall confirm valid tax registration. - The business register shall confirm valid business licenses to operate within the jurisdiction. - In areas with land ownership conflicts, consultation with neighbors, local communities and others shall confirm that land tenure rights are clear. - Stakeholder consultation shall confirm that registration of FME has been granted following legally prescribed processes - Stakeholder consultation shall confirm that legal status of the operation or rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations. - The management contract or other agreements with the owner shall indicate clear management rights. - Valid business registration documents shall exist. - The issuance of legal rights and registration shall be subject to public disclosure prior to commencement of any activities within FMUs. - Inspections of harvesting site shall confirm that harvesting takes place within property limits (including felling, transport and log landings). **Country Specific** - Access to information / requirement of additional documents which proves the legal property rights (e.g. the inheritance certificate, property title, sale contract etc.); - Maps on shared surfaces;
1.2 Concession licenses	N/A
1.3 Management and harvesting planning	N/A
1.4 Harvesting permits	Generic - Field visits shall be made to verify that maps are in compliance with reality. - Harvesting permits (licenses or similar legal documents governing the harvesting of forest resources) shall exist. - Harvesting limits shall be clearly defined based on maps and quantities. - Authorities shall confirm the validity of harvesting permits. - Stakeholder consultation shall confirm that harvesting permits have been issued in accordance with the relevant laws and regulations by the legally designated competent authority. - Field inspections shall confirm that harvesting takes place within the limits given in the harvesting permit. - Field inspections shall confirm that information regarding area, species, volumes and other information given in the harvesting permit are correct and within limits prescribed in the legislation Country Specific - Verify logging area boundaries in the field to ensure harvesting has taken place within boundaries. - Cross-check volumes and assortments in SUMAL. - Require the use of a Wood Tracking App and check the online code and its validity in order to verify threshold to be harvested is not exceeded. - Verify the accuracy of inventories for APV drafting. - Control assortments (industrial wood and firewood) by comparing the estimation volume from the APV with the harvesting result.

Indicator	Recommended control measures
1.5 Payment of royalties and harvesting fees	Generic - Receipts shall exist for payments of harvesting-related royalties, taxes, harvesting fees and other charges. - Volumes, species and qualities given in sales and transport documents shall match the fees paid. - Classification of species, volumes and qualities shall match the royalties and fees paid. Country Specific - Access to information / requirement of additional documents regarding the inclusion of the road tolling in the contract of wood procurement (linked to the standing volume in the VED).
1.6 Value added taxes and other sales taxes	N/A
1.7 Income and profit taxes	Generic - There shall be consultation with financial authorities to verify that all required income and profit taxes have been paid. Country Specific - N/A
1.8 Timber harvesting regulations	Generic - Harvesting shall be conducted within the authorized boundaries of the FMU. - Harvesting shall not take place in areas where harvesting is legally prohibited. - Tree species or selected trees found within the FMU for which felling is prohibited shall be listed in operational plans. - Harvesting restrictions shall be observed in the field. - Tree species or selected trees found within the FMU for which felling is prohibited shall be marked in the field. Country Specific - FME shall provide records of training for harvesting requirements. - FME shall provide records of forest harvesting controls during and after the harvest. - The harvest design for each site shall contain harvest technology, location of forest roads, skidding trails and primary log yard - Each harvest site shall have a billboard stating the location (FME, FMU, compartment, number of harvest site), the harvest permit number, contractor and harvest period in order to provide publicly available information necessary for public and third parties to identify proper implementation of harvesting activities.
1.9 Protected sites and species	Generic - All legally protected areas (including species habitats) shall be included in the management plan or related documentation if required by the legislation. - Legally established procedures for surveying, managing and protecting endangered or threatened species within the management unit shall be followed. - Nature protection regulations, such as protected areas, set-aside areas, protected species and hunting, shall be established and upheld. Country Specific - FME staff shall demonstrate knowledge about the location of protected areas in the managed FMUs, protection objectives and protective measures in the protected area management plan (if applicable). - The FMP shall include measures to ensure the conservation status of the protected area (if applicable). - Field verifications shall also include parts of the protected areas. - FME shall implement a system for controlling harvesting sites that includes verifications of protected area management measures.

Indicator	Recommended control measures
	- Presentation of environmental authorization - Presentation of environmental approval (for every harvesting site) - Starting the harvesting process after obtaining the environmental approval/authorization - Additional field verifications that addresses compliance with the measures imposed by environmental approval/authorization. At the moment, compliance with these measures are not systematically checked
1.10 Environmental requirements	Generic - Environmental and/or Social Impact Assessments shall be in place and approved by the legally competent authority if legally required. - Requirements for environmental monitoring shall be observed. - Environmental restrictions shall be followed in the field, such as requirements related to soil damage, buffer zones, retention trees, seasonal restrictions etc. Country Specific - FME/contractors shall provide issued environmental permit prior to the start of harvesting. - FME shall provide proof of notification of custodian of protected areas (if applicable) and their approval of the harvest plan and VED. - FME shall implement a system of controlling harvesting sites that includes verifications of environmental requirements. This can be done though review of environmental permit, harvesting technology document and on-site audits. - Presentation of environmental authorization - Presentation of environmental approval (for every harvesting site) - Starting the harvesting process after obtaining the environmental approval/authorization - Additional field verifications that addresses compliance with the measures imposed by environmental approval/authorization. At the moment, compliance with these measures are not systematically checked
1.11 Health and safety	Generic - All health and safety regulations shall be followed and all required safety equipment shall be used. - Occupational health and safety requirements shall be observed by all personnel involved in harvesting activities. - Interviews with staff and contractors shall confirm that legally required protection equipment is provided by the organization and that its use is mandated. - All requirements on prevention of air and water pollution shall be followed and verified by monitoring pollution reports (when applicable). Country Specific - Request the periodic labour control report (Conducted by the Labour Inspectorate and/or Forest district based on control visits). The Labour Inspectorate and/or Forest district notify the harvesting companies regarding the identified gaps in the implementation of health and Safety provisions. Request report of the company on how the gaps has been addressed.
1.12 Legal employment	Generic - All workers shall be employed according to the regulations and required contracts shall be in place. - Persons involved in harvesting activities shall be covered by obligatory insurances. - Persons involved in harvesting activities shall hold required certificates of competence for the function/s they carry out. - At least the legally established minimum salaries shall be paid for personnel involved in harvesting activities. - Salaries shall be paid officially and declared by the employer according to requirements for personnel involved in harvesting activities. - Minimum age shall be observed for all personnel involved in harvesting activities.

Indicator	Recommended control measures
	- Minimum age shall be observed for all personnel involved in hazardous work. - Stakeholders shall confirm that forced or compulsory labour is not involved in harvesting activities. Country Specific - Ensure the existence of employment contracts. - Interview staff in order to confirm that working conditions meet legal requirements. - Interview Public Authorities in charge of monitoring working conditions to ensure that those conditions meet applicable legal requirements. - Interview representatives from relevant Labour Unions to confirm that working conditions meet applicable legal requirements and that there are no substantial conflicts.
1.13 Customary rights	N/A
1.14 Free prior and informed consent	N/A
1.15 Indigenous peoples rights	N/A
1.16 Classification of species, quantities, qualities	Generic - Products shall be correctly classified (species, quantities, qualities etc.) on sales documents, customs declarations and other legally required documents. - Evidence shall be provided upon request (photographs of labelling). - Physical control should verify that the present material equals what has been invoiced and marked. Country Specific - Cross-verify volume of assortments from the VED and delivery documents. - Checking the legality and delivering notes using wood tracking and SUMAL - Physical control should verify that the present material is corresponding to invoiced and delivering notes; - Non concordant material shall be separated and will not be purchased; - Non concordant material (if occurs), shall be segregate and the territorial Forestry Guard informed; - Adequate trainings for workers on: legislation provision, sorting criteria and techniques, IT & SUMAL software; - Cross checks between delivery notes and entry registries (for monitoring);
1.17 Trade and transport	Generic - Requirements related to transport means (e.g. trucks) shall always be followed. - Species and product types shall be traded legally. - Required trade permits shall exist and be documented. - All required transport documents shall exist and be documented. - Volume, species and qualities shall be classified according to legal requirements. - Documents related to transportation, trade or export shall be clearly linked to the specific material in question. Country Specific - Verify shipment documents (delivery documents) and codes regarding wood origin and destination (Provided through Wood Tracking System). Delivery document shall confirm that data and time corresponding to the logging area and landing areas - total volume from delivery notes and assortments specified on delivery notes (round wood, logs, fuel wood, fire wood) and compare with the inventory document to ensure assortment are correct. - Physical control should verify that the present material is corresponding to invoiced and delivering notes; - Extra tolerance volumes, shall be separated and the territorial Forestry Guard informed;

Indicator	Recommended control measures
	- Adequate trainings for workers on: legislation provision, measurement methodologies, IT & SUMAL software; - Cross checks between delivery notes and entry registries; (for monitoring)
1.18 Offshore trading and transfer pricing	Generic - Products shall not be traded through countries known as “tax havens” when it is illegal in the country of the supplier or sub-supplier to do so. - There shall be no illegal manipulation of or in connection with transfer pricing. Country Specific - N/A
1.19 Custom regulations	Generic - Products shall be correctly classified (type, custom code, species, quantities, qualities, etc.). - All required import and exports permits shall be in place. Country Specific - N/A
1.20 CITES	N/A
1.21 Legislation requiring due diligence/due care procedures	N/A

Controlled wood category 2: Wood harvested in violation of traditional and human rights

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Risk determination: Low risk Justification: All 'low risk thresholds' are met (1, 2, 3, 4 and 5) and there is no other evidence of 'specified' risk. None of the 'specified risk thresholds' are met.
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	Risk determination: Low risk Justification: 'Low risk' thresholds (10 and 12) apply. None of the 'specified risk' thresholds are met.
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country	Risk determination: Low risk Justification: (16): No IP/TP in Romania (21): No evidence that challenges the 'low risk' designation.

Recommended control measures

N/A

Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication[1]
Context (the following are indicators that help to contextualize the information from other sources) • Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc.			
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 215 countries for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports In 2015 (latest available year) Romania scores between 52 (for Government Effectiveness) and 72 (for Regulatory Quality) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	
World Bank Harmonized List of Fragile Situations: http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/Fragile_Situations_List_FY11_%28Oct_19_2010%29.pdf	Romania does not feature on this list	Country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred in the past decade, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index. http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php	Romania does not feature on this list	Country	
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring http://www4.carleton.ca/cifp/ffs.htm	http://www4.carleton.ca/cifp/app/serve.php/1419.pdf Romania scores 'medium' on the State fragility map 2011.	Country	
Human Rights Watch: http://www.hrw.org	https://www.hrw.org/world-report/2017 There is no chapter on Romania in the country chapters of the HRW World Report 2017.	Country	

[1] A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

	http://www.hrw.org/news/2013/02/14/divided-we-fall-intolerance-europe-puts-rights-risk *Divided We Fall: Intolerance in Europe Puts Rights at Risk - Feb 14, 2013* "Roma migrants from Eastern Europe face forced eviction and expulsion in France and Italy. Further east, in Hungary, Romania, Bulgaria, the Czech Republic, and Slovakia, the situation is even more alarming, with little progress toward ending forced evictions and housing and school segregation (also a problem in Greece) despite hundreds of millions of euros in EU funding and binding rulings by the European Court of Human Rights." https://www.hrw.org/news/2008/05/04/universal-periodic-review-romania *Universal Periodic Review of Romania* *Human Rights Watch's Submission to the Human Rights Council, 04 May 2008* "This submission will focus only on Human Rights Watch's key concerns regarding Romania's compliance with international human rights law in its treatment of children and youth living with HIV. It draws on research and recommendations presented in greater detail in our August 2006 report, Life Doesn't Wait: Romania's Failure to Protect and Support Children and Youth Living with HIV." https://www.hrw.org/news/2014/11/07/25-years-after-fall-communism-call *25 Years After the Fall of Communism: A Call* *November 7, 2014* "In Romania and Bulgaria, the two poorest countries in the European Union, democracy hangs by a weak thread. In both countries, the revolutions against Communism were stolen from the people even as they were taking place, with former Communists taking control. There is widespread discrimination against Roma in both countries, and Bulgaria has been guilty of forcibly expelling Syrian, Afghan, and other asylum seekers. Activists and journalists in Bulgaria were violently beaten by police in July 2013 in front of the parliament where protests were being held. Romania has been beset by internecine warfare between political leaders, so severe that western leaders have voiced concern about Romania's commitment to the rule of law."		
US AID: www.usaid.gov Search on website for [country] + 'human rights' 'conflicts' 'conflict timber'	No information found on specified risks after searching Romania + 'human rights' 'conflicts' 'timber conflicts'	Country	
Global Witness: www.globalwitness.org Search on website for [country] + 'human rights' 'conflicts' 'conflict timber'	No information found on specified risks.	Country	
http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/	http://wwf.panda.org/what_we_do/where_we_work/black_sea_basin/danube_c	Country	

	arpathian/?247014/thousands-in-romania-protest-illegal-logging *Thousands in Romania protest illegal logging; Posted on 15 May 2015* "On Saturday, more than 20,000 people marched on the streets of more than 10 cities in Romania to demand that forests be respected, protected from illegal logging and preserved. Besides Bucharest, protests also took place in cities such as Cluj, Timisoara or Brasov and abroad -- in Austria, UK, Germany, Denmark, and other countries. People also supported protests in neighbouring Bulgaria. The protests come in the wake of an undercover investigation by the Environmental Investigation Agency (EIA) into suspected illegal logging activities of the Austrian company Holzindustrie Schweighofer -- a major investor in Romania and one of the main logging companies in the country. They are also considered involved in the currently blocked new forestry legislation. It is expected that very soon Romanian parliament is going to vote the law again after a veto by the country's president. (ed. The forestry code was adopted 10 June, 2015 with all WWF-proposed amendments.) The Romanian Carpathians are among Europe's last great wilderness areas. They hold the continent's largest remaining numbers of large carnivores like bears, wolves and lynx outside Russia, and are also home to a major part of old-growth forests. Background In February, the Romanian parliament accepted the Forest Code with amendments put forward by WWF and other NGOs. However, on 23 March 2015, the Romanian president vetoed the law, and returned it to parliament for further discussion. The president argued that the law would violate free market rules – its amendment limited the amount of wood of any type that any company could buy to 30% of all. To ensure biodiversity conservation and local community welfare, WWF Romania had been actively involved in drafting amendments to the Forest Code for the past 4 years." http://wwf.panda.org/what_we_do/where_we_work/black_sea_basin/danube_carpathian/?254910/us-ngo-eia-shows-evidence-of-holzindustrie-schweighofers-illegal-activities-in-romanias-forests *US NGO EIA shows evidence of Holzindustrie Schweighofer's illegal activities in Romania's forests, Posted on 21 October 2015* "Vienna/Austria, Washington D.C./USA, Bucarest/Romania, Wednesday, 21st October 2015 – In a report released today, the US Environmental Investigation Agency (EIA) provided new evidence to the illegal business practices by the Austrian company Holzindustrie Schweighofer (Schweighofer) in Romania. The report documents how Schweighofer processes large amounts of illegally harvested timber from Romanian forests into semi-finished wood products and biomass, selling the products throughout the European Union.		

	"Schweighofer is one of the largest timber companies in Europe and unfortunately the single biggest driver of illegal logging in Romania", says Alexander von Bismarck, director of the EIA. Today, WWF filed a complaint at the Federal Forest Office in Vienna for violations of the European Timber Regulation (EUTR) and calls for a full investigation of the allegations against Schweighofer. New Evidence Earlier this year, two videos showing Schweighofer purchasing managers accepting illegal wood were released. A logging truck from a Romanian national park was filmed with a hidden camera as it transported undocumented logs to Schweighofer, despite the company's claim that it rejects timber from National Parks. Over the past year, AGENT GREEN has investigated and exposed a series of cases of illegal or unsustainable logging in national parks and other protected areas. In the spring of 2015, EIA released an undercover video, in which two of Schweighofer's senior managers agreed to purchase illegally cut wood and offered boni for it. Today's report follows two years of investigations and details, for the first time, the extent of the destruction caused by the high volumes of illegal wood reaching Schweighofer's Romanian mills. EIA found that over 50 per cent of logging in Romania is illegal, which includes illegal cutting in national parks, clear-cutting, overharvesting, use of false permits, and logging on stolen land. According to government reports, 20 per cent public forest land have been restituted illegally after the fall of Communism, instead of handing it back to the rightful owners. In its investigation, EIA identifies and documents actual cases of each type of illegal logging in the forest and found that in nearly every case, the wood was on its way to or ended up at Schweighofer's mills. AGENT GREEN Director Gabriel Paun said, "Organized crime structures facilitate the flow of illegal wood from Romania to the European and global markets. So until now the EU and national legislation was not able to stop illegal activities, therefore remains a high risk to buy wood products from many Romanian regions. Europe's last intact Forest Landscape is at stake, and two thirds of its virgin forests that are home to the largest populations of brown bears, grey wolves and lynx living in the wild." (..) Romania's forests need EU protection WWF has, based on available report and information, now filed a complaint according to the European Timber Regulation (EUTR) in Austria. WWF has made continuous efforts to save the last remaining virgin forests in the Carpathian region and managed to create a legislation for that purpose and proposed 25,000 hectares of virgin forest to become a UNESCO World Heritage Site. "But today we are calling for a full investigation of all allegations raised in the report. If this fails, then the last Southeast European virgin forests will be		

	turned into wood pellets and burning stoves for the benefit of multinational companies", warns WWF CEO Andrea Johanides. The complaint is addressed to the Federal Forest Office (Bundesamt für Wald) who is the responsible EUTR authority in Austria. This Regulation came into force in 2013 and it prohibits putting illegally logged timber and timber products onto the EU market. A study by WWF revealed that, unfortunately, this regulation has not been adequately translated in national laws throughout the EU and it furthermore still contains loopholes and exemptions and sees penalties for violations too weak to serve as deterrent, such as in Austria, (..) A criminal system threatens conservation efforts Romania still has an estimated 218.000 hectares of old growth forests. A recent Romanian government study estimated that 80 million cubic meters of timber have been cut illegally in the past 20 years, representing a loss to the Romanian economy of over five billion Euros." http://wwf.panda.org/about_our_earth/search_wwf_news/?237550/a-hotline-in-romania-fights-illegal-logging *A hotline in Romania fights illegal logging, Posted on 27 January 2015* "Every two days, the 112 emergency hotline in Cluj-Napoca, Romania's second largest city, rings and someone reports a shipment of timber they find suspicious, Romanian media writes. Using the timber truck's license plate number, an operator checks if the shipment is legal and immediately notifies the police if necessary. The system can also identify the exact place where the logs were loaded." http://barometer.wwf.org.uk/what_we_do/government_barometer/ *Government Barometer 2014* "The EU Government Barometer is a WWF assessment of EU member states' efforts to tackle illegal logging." "The 2014 barometer was carried out in all 28 EU member states - along with Switzerland - who decided to take part in the survey too. The maximum overall score that could be achieved by any country is 16." Romania scores 5 out of 16 (points). http://d2ouvy59p0dg6k.cloudfront.net/downloads/failingforests.pdf *WWF report: Failing the Forests; Europe's illegal timber trade.* "Most of Austria's probable imports of illegal timber are likely to be supplied from other EU countries. The Balkans, Romania and Ukraine are likely to supply a substantial proportion of the RWE volume of illegal timber which Austria imports – perhaps as much as 150,000 cubic metres. It is also likely that Austria imports illegal timber unwittingly via its main supplier – Germany." "China and, to a lesser extent, Belarus and Romania are also likely to have supplied France's Timber Sector with substantial quantities of illegal timber."		

	"The Baltic States, Indonesia and Russia are likely to have supplied rather more of Germany's probable imports of illegal timber than did the Amazon Basin and the Congo Basin. Of that which is likely to have been supplied from outside the EU and the regions covered in this report, Belarus, China, Romania and Ukraine supplied the great majority – perhaps as much as 600,000 cubic metres." "Of Greece's probable imports of illegal timber from the regions covered in this report, Cameroon and Russia were the only substantial suppliers. The EU and the regions covered in this report probably supplied Greece's Timber Sector with less illegal timber than the rest of the world did during 2004. That from Bulgaria and Romania may have been as much as 150,000 cubic metres." "The great majority of Hungary's probable imports of illegal timber are likely to have been supplied by countries other than those of the EU and the regions covered in this report. Together, Romania, Slovakia and the Ukraine might have supplied Hungary with as much as 400,000 cubic metres of illegal timber during 2004.		
Chattam House Illegal Logging Indicators Country Report Card http://www.illegal-logging.info	http://www.illegal-logging.info/content/europe-failing-clamp-down-illegal-logging-report-warns *News: Europe failing to clamp down on illegal logging, report warns. 22 October 2015* "A European bid to clamp down on the $100bn-a-year global trade in illegal timber has been poorly designed, badly managed and largely ineffective, according to a damning report by the EU's court of auditors. Illegal logging is thought to be responsible for around one-fifth of man-made greenhouse gas emissions – more than from all the world's ships, planes, trains and cars combined. It is also an existential threat to forest-dependent indigenous people, and to biodiversity. But 12 years after launching an action plan to end the trade, results from the EU's €300m aid programme to 35 partner countries have been "meagre" according to the auditors' report, with problems at the demand and supply ends of the trade chain. Four EU countries - Greece, Spain, Hungary and Romania - have still not implemented an EU timber regulation proposed five years ago, allowing an easy passage to market for the fruits of deforestation. "As the chain of control is only as strong as its weakest link in the single market, illegal timber could still be imported into the EU via these four countries," Karel Pinxten, one of the auditors of the report, said. "The EU should put its house in order." http://www.illegal-logging.info/content/illegal-logging-romania-2013-2014 *Document: Illegal Logging in Romania 2013-2014. 21 October 2015*	Country	

	"This study is a follow-up on previous monitoring and reporting work done by Greenpeace. A study on forest cover change in Romania between 2001-2011 found that 280,108 hectares of forest had been lost or degraded. In 2013 and 2014 Romanian authorities registered 45,509 cases of illegal logging. This is an average of 62 cases registered every day, indicating a constant increase from 30 cases daily in 2009 and 50 cases/day in 2012. The counties with the highest number of illegal logging cases are Arges (12.85% of the total cases), Bacau (7.77%) and Mures (7.36%). Arges County also registered the highest number of illegal logging cases in 2009-2011. The increase might be due to a higher level of efficiency of the authorities in identifying and documenting those cases and/or an increase in illegal logging activities. Valentin Sălăgeanu, forest campaign coordinator of Greenpeace Romania: „We wish to underline the fact that this data does not offer a complete image of the real scale of the phenomenon in the entire country, since governmental reports indicate an average of 8.8 million cubic meters of illegally extracted timber each year. The registered volume, following the investigations carried out by respective authorities, is only covering a fraction of the aforementioned figure."" Link to Greenpeace's report: http://www.illegal-logging.info/sites/files/chlogging/GP%20%282015%29%20IL%20in%20Romania%202013-2014.pdf http://www.illegal-logging.info/content/bulgaria-has-made-little-progress-against-illegal-logging *News: Bulgaria has made little progress against illegal logging. 29 September 2014* " A WWF study performed earlier in 2014 – the EU Government Barometer -- showed that only 11 EU states have enforced laws that are robust enough to control the legality of timber and timber products entering their territory, or have set high penalties for those breaching the rules. These countries are Belgium, Cyprus, Denmark, Estonia, Finland, Lithuania, Luxemburg, Netherlands, Portugal, Slovenia and the UK. The other 17 countries have either not adapted their national legislation to the EU law or have legislation envisioning only low sanctions or dysfunctional prosecution systems. The countries from WWF's Green Heart of Europe initiative in Central and Eastern Europe unfortunately scored poorly. For example: Bulgaria's 2014 results are lower compared to previous years. Changes to legislation to comply with the EU Timber Regulation (EUTR) have been implemented, but with gaps. The fines and penalties are the lowest in the survey.		

	Hungary's performance in 2014 is significantly worse than in 2012. Hungary is not able to fully answer questions in the 2014 barometer and has failed to score any points. No legislation to support the EUTR has been drafted, let alone adopted. Romania's score in 2014 is consistent with 2012. Legislation to support the Forest Law Enforcement, Governance and Trade (FLEGT) Regulation is in place, and legislation to implement the EUTR was approved. On 17 September 2014, the Romanian government amended its Forest Code to include WWF proposals for reducing illegal logging and supporting sustainable timber trade, among other WWF proposals. Slovakia scored only one point in the 2014 barometer. The competent authority has a single person dedicated to the EUTR."		
Transparency International Corruption Perceptions Index	http://www.transparency.org/news/feature/corruption_perceptions_index_2016 http://www.transparency.org/country/ROU Romania scores 48 points on the Corruption Perceptions Index 2016 (latest available year) on a scale from 0 (highly corrupt) to 100 (very clean). Romania ranks 57 out of 177 with rank nr. 1 being the most clean country.	Country	
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	https://www.amnesty.org/en/documents/pol10/0001/2015/en/ *State of the Human Rights* Report 2016/17 In this document, Amnesty International reports the following issues for Romania: - Discrimination – Roma, with Housing rights – forced eviction, which relates to the eviction of few Roma families in 2 towns in 2013 and 2010, and Right to education, which shows in the end that "In November and December, the Ministry of Education held a public consultation on a draft framework which prohibited school segregation. The framework expanded the criteria for inclusion in education, set new legal obligations and sanctions for authorities and defined the role of a National Commission for Desegregation and Inclusion.", - Police and security forces, - Discrimination – people with disabilities, on the monitoring mechanism for rights of persons with disabilities not being operational, - Rights of lesbian, gay, bisexual, transgender and intersex people - Counter-terror and security, it relates to complicity in the US-led rendition and secret detention programs, Violence against women and girls	Country	
Freedom House http://www.freedomhouse.org/	https://freedomhouse.org/report/freedom-world/freedom-world-2017The status of Romania on the Freedom in the World 2017 index is 'free'. https://freedomhouse.org/report/freedom-net/freedom-net-2016 The status of Romania on the Freedom on the Net 2016 index is 'Country not assessed'. https://freedomhouse.org/report/freedom-press/freedom-press-2017 The status of Romania on the Freedom of the Press 2017 index is 'partly free'.	Country	

Reporters without Borders: Press Freedom Index https://rsf.org/en	https://rsf.org/en/ranking/2017 Romania is ranked #48 out of 180 in the 2017 World Press Freedom Index with a score of 24.46.	Country	
Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Failed States Index, of 177 nations based on their levels of stability and capacity http://fsi.fundforpeace.org/	http://fundforpeace.org/fsi/ Romania is ranked 134 out of 178 countries on the Fragile States Index 2016 (nr 1 being the most failed state). This ranks Romania in the category 'Stable'.	Country	
The Global Peace Index. Published by the Institute for Economics & Peace, This index is the world's leading measure of national peacefulness. It ranks 163 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. Source: The Guardian: http://economicsandpeace.org/research/iep-indices-data/global-peace-index	http://static.visionofhumanity.org/#page/indexes/global-peace-index/2016 *Global Peace Index 2016; Global Rankings* The state of Peace in Romania is labelled 'High' with Romania ranking number 31 out of 163 countries.	Country	
Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')	**Evidence**	**Scale of risk assessment**	**Risk indication**
The Guardian	http://www.theguardian.com/environment/2015/oct/21/holzindustrie-schweighofer-austrian-timber-firm-accused-of-illegal-logging *Trees and forests* *Major Austrian timber firm accused of illegal logging in Romania* *Two-year investigation links Holzindustrie Schweighofer to destruction of Europe's last remaining virgin forests in Romania* *21 October 2015* "A major Austrian timber company that supplies DIY stores across Europe has been accused of destroying Europe's last remaining virgin forests in Romania by sourcing illegally logged timber. A two-year investigation by the Environmental Investigation Agency US (EIA), an NGO, says it recorded officials from Holzindustrie Schweighofer offering to buy illegal timber from investigators posing as buyers and filmed unmarked logs dumped at the company's depots in apparent violation of Romanian law. Schweighofer is Romania's biggest producer of softwood, processing around 40% of the country's annual production. Romania's vast and largely intact forests, which are home to bison, lynx and bears, have lost 280,000 hectares		

	of forest during the last decade, according to satellite analyses, much of it to illegal logging. The EIA estimated that around half of all logging in Romania is illegal, based on government reports and local NGOs, and said that in the majority of illegal logging cases it uncovered, the wood ended up in Schweighofer's supply chain. Schweighofer told the Guardian its officials had never said they accepted illegal wood and denied unmarked logs had entered its collection points or sawmills. The company has said it is committed to sustainably harvesting forests for timber, and that its forests are certified by the independent Forest Stewardship Council and the Programme for the Enforcement of Forest Certification. In several undercover meetings, email and phone conversations with the company's officials, EIA investigators posed as foreign investors who would be willing to "overcut" – a form of illegal logging where more trees are cut than a permit allows – and asked if the company would buy such wood. They say that more than one Schweighofer manager said yes on different occasions. The meetings were recorded on audio and video. Romanian tax records obtained by the NGO reveal that Schweighofer sourced from at least 1,000 different suppliers in 2014, which the EIA said was such a high number that "extreme efforts" would be required to exclude illegally sourced timber. The company has three sawmills and two factories in Romania. Investigators filmed piles of unmarked logs in northern Romania on a truck they had followed from a forest to which the claim is still being contested after it was restituted following the end of communist rule. The truck was seen going a train depot with a large sign at the entrance that said it was owned by Schweighofer, where the logs were seen loaded onto a train. Markings are the only way to tell if a log is from a legal source, the EIA said, and Romanian regulations require them on logs more than 20cm in diameter. "Just as the world is shutting the door on illegal timber trade, one of the worst and most powerful actors is operating directly within the heart of Europe," said Alexander von Bismark, executive director of EIA US. "It's devastating for Europe's last virgin forest and the communities that depend on them, but also for legitimate foresters throughout Europe." The Romanian government raided Schweighofer's sawmill in Sebeș earlier this year and has already publicly said it found accounting irregularities in the recording of timber quantities and sourcing, and that it suspected timber there was from illegal sources. The report produced by officials following the raid, which has not been published yet but has been seen by the Guardian, concludes that: "We believe ... that these wood materials, having a total volume of 1,455.1 m3, recorded as inputs of HSR Sebes [Schweighofer's sawmill], are not based on legal documents of origin."		

	The result, the government report said, was “a fictive origin which, on the downstream trade flow can lead to the creation of environments conducive to committing criminal and/or civil acts”. (..)” http://eubioenergy.com/2015/11/30/romania-up-in-flames/ *Romania – Up in Flames. 30 November 2015* *By Fred Pearce, author and journalist* “Romania’s forests are being over-exploited to supply demand for biomass both within the country and across Europe. While the logging business remains dominated by the state company Romsilva, its markets are increasingly international, with Austrian companies in particular driving an orgy of forest destruction. Three-quarters of the 300,000 tonnes of wood pellets manufactured annually in Romania are exported.1 And there is growing concern that a combination of government subsidies and foreign markets is feeding the growth of a timber mafia in the country. Biomass burning has become a cause of corruption and conflict in Romania. Around 20 million cubic metres of wood are harvested1 annually in Romania, mostly in mountain regions such as the Carpathians. Greenpeace estimates that more than 250,000 hectares of forest has been lost or severely degraded since timber markets were liberalised 12 years ago, with old-growth forests widely targeted. At least a quarter of the harvest, five million cubic metres, is burned as biomass fuel within the country. This figure is expected to rise to 7.5 million cubic metres by 2020, as the government attempts to achieve its aim of obtaining a quarter of its energy from renewables.2 But exports are a growing part of the market and foreign companies now dominate the industry. The largest Austrian company, Holzindustrie Schweighofer, which processes an estimate 40 per cent of the country’s softwood production for biomass pellets and other uses, has been honoured as “investor of the year” in Romania. Owned by the Schweighofers, one of Austria’s richest families, it claims to process some 2.4 million cubic metres of Romanian timber annually.3 An estimated 60 per cent of its exports go for biomass burning in power plants in Austria and Germany. Other foreign companies have recently begun buying forests directly. The Luxembourg-based Forest Value Investment Management, says it bought the “exceptionally dense” 4,000- hectare beech stands of the Petris forest in 2013 to supply “potential biomass energy users”.4 There is a strong stench of corruption in the Romanian forestry industry that some analysts say has been triggered by the arrival of foreign companies and the subsidies that encourage them. Early in 2015, the state corruption agency began investigations into Romsilva officials, including its director, Adam Craciunescu.5 “We have established a clear link between illegal logging in Romania and the EU wood pellet market,” says Susanne Breitkopf of the Environmental Investigation Agency in Washington DC, which has tracked timber from the forests of Romania’s Carpathian Mountains to its chipping and pellet mills and		

	on to power stations boilers in Austria and Germany. EIA charges Schweighofer with processing “large amounts of illegal wood” and being “the single biggest driver of illegal logging in the country over the past decade”. Its named customers include Austrian biomass companies Genol and Drauholz.6 In 2012, Greenpeace reported widespread illegal logging, with dozens of cases reported to the authorities every day.7 A local NGO, Agent Green, has estimated that 366,000 hectares of Romanian forest has been illegally felled since 1990. The RISE project, a group of journalists investigating corruption in Romania, has in the past year questioned the legality of Schweighofer’s supplies.8 It uncovered reports by inspectors at the country’s Ministry of Environment that timber at the company’s mills did not always have proper documentation, and often exceeded the volumes claimed. One report into the Sebes mill in Transylvania found that “the entries of timber and the final stocks have been distorted, generating a fictitious origin.”9 The EIA published a video showing Schweighofer employees apparently agreeing to buy illegal timber from investigators posing as foreign investors.10 The company has denied being complicit in any illegality.11 The company says it “makes all possible efforts… to help end the illegal logging phenomenon”, including reporting suspect deliveries and terminating contracts with companies that do not meet its standards. “We accept only deliveries that have all the data required by the law.” It says the statements in the EIA video “were taken out of context”.12 Meanwhile, local timber companies, including furniture makers, have gone bankrupt and blamed the emergence of foreign firms for their demise. They say the companies use government subsidies for green energy to out-compete them for high-value wood. Public anger over the state of Romania’s forests is growing. There were major protests in spring 2015 against illegal deforestation, logging in national parks and the activities of Austrian timber companies in particular. The government has responded by introducing a new forest code. But Schweighofer has found itself pilloried for lobbying publicly against provisions in the code that would limit one company to a market share of 30%.13 This article is one of the case studies in ‘Up in flames: How biomass burning wrecks Europe’s forests‘, a report published by Fern, November 2015.”		
From national CW RA: FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ROMANIA (FSC-STD-40-005-V-2.1) Version: Final; Approval date: 15 January 2013	*Requirement:* Category 1. The district of origin may be considered low risk in relation to illegal harvesting when all the following indicators related to forest governance are present: 1.1 Evidence of enforcement of logging related laws in the district. *Sources of information:* Ministry of Environment and Forests - legislation concerning the forests and law enforcement for silviculture and forestry http://www.mmediu.ro/legislatie/paduri.htm	Country	

Info on illegal logging	World Bank Rule of Law index - http://info.worldbank.org/governance/wgi/index.asp National Forest Administration-Romsilva - forestry legislation (http://www.rosilva.ro/categorie.php?id=7) Forest statistics -2010, document developed by Ministry of Forests and Environment National Institute of Statistics: www.insee.ro *Evidence*: Ministerial Orders which form the legislative and technical support for logging activities. The governing law for logging activities is Law 46/2008 (Forest Code) Ministry of Environment Order no. 1540/2011 regarding the logging periods, harvesting technique, and transport modalities of wood. Every logging activity is done according with approval from Agency for Environmental Protection and Territorial Inspectorate for Forest and Wildlife Management, according with Ministerial Order no. 1798/19.11.2007, completed with Ministerial Order no. 1298/28.04.2011. Ministerial Order no. 904/2010 includes legislation for establishing and authorization of private and state FMU's. Silvicultural Norm 4 (Ministerial Order no. 1565/31.10.2000) gives indications on the assessment of wood volumes. Sourcing, transport and sale of timber is done through Government Decision no. 996/2008 Penalties in silviculture are mentioned in Law no. 171/2010 OUG 85/2006 – related to the assessment of damages produced in and outside the forest area. Government Decision no. 1076/2009 regulates the approval of Forest Guarding Rules. Minimum of 7% (more than 400 000 ha) of the forest area in Romania is not administrated and around 10% of the forests have no forest management plan. Each county of Romania includes forest which are not administrated for the moment. This areas are not compact and spread in all the country According to the General Rule of Law Index of the World Bank, the index for Romania, in 2011, was 54:100, which is <75%, but it has shown a constant increasing tendency for the last years. *Risk*: UNSPECIFIED *Requirement:* 1.2 There is evidence in the district demonstrating the legality of harvests and wood purchases that includes robust and effective systems for granting licenses and harvest permits. *Sources of information*: Ministry of Environment and Forests http://www.mmediu.ro/paduri/paduri.htm		

	Ministry of Environment and Forests - Biodiversity legislation http://www.mmediu.ro/legislatie/biodiversitate.htm National Agency for Environmental Protection http://www.anpm.ro/legislatie.aspx?id=57 *Evidence*: In Romania, a good system of harvesting control (harvesting license and authorization of forest harvesting) has been in place since 2008. According to Romanian legislation, in order to obtain a harvesting authorization within a forest area, a logging company has to meet the following requirements: o Ten-year Forest Management Plan, approved by the Forestry Authorities (Law 46/2008 - Forest Code) o Every logging activity is done according with approval from Agency for Environmental Protection and Territorial Inspectorate for Forest and Wildlife Management, according with Ministerial Order no. 1798/19.11.2007, completed with Miniterial [*sic*] Order no. 1298/28.04.2011. Environmental authorisation is reached at company level. o Standing wood evaluation document - APV (in Romanian) - registered in the SUMAL National system (On-line Wood tracking System) approved through Minister Order no. 583/15.09.2008 o Sale of timber is stipulated through Government Decision no. 1174/2006 o Sale of timber coming from state FMU's is stipulated through Governmental Decision no. 1898/2010. According to Romanian legislation, up to 20 cubic meters can be logged with individual resources. For amounts exceeding this quantity, the logging activities can be done only with logging companies authorized by a Commission coordinated by Ministry of Forests and Environment. Commission is functional based on Ministerial Order no. 223/1130/2008. *Risk*: LOW *Requirement:* 1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin *Sources of information*: Ministry of Agriculture and Rural Development web-page - Annual Report for 2011 (http://www.madr.ro/pages/paduri/raport-starea-padurilor-2007.html) World Bank Rule of Law index (http://info.worldbank.org/governance/wgi/index.asp) Regional Forestry Inspectorates web pages (http://www.madr.ro/pages/page.php?self=02&sub=0201&tz=020108) WWF report on illegal logging from 2005 (http://www.forestconsulting.net/Downloads/Publications/finalromaniaillegallogging.pdf)		

	http://www.suceava.regimsilvic.eu/ National Institute of Statistics: www.insee.ro *Evidence*: Since 2008, SUMAL –"Electronic system at national level for tracking wood" has been implemented in every FMU and company which transports, sells or processes wood. Periodically results of the SUMAL are verified by inspectors from Inspectorates for Forest and Wildlife Management. According to forest protection and other specific regulations, there are specific activities intended to protect the forest: - Minimum two inspections in each Canton Silvic (Canton Silvic = forest area in the responsibility of one ranger) - Inspections in harvesting areas (minimum two in each harvesting place during harvesting activities) patrols - Checking points on forest and national roads - Barriers on forest roads in areas with risk of illegal activities.. A study was conducted by the WWF Danube Carpathian Programme and the Forest Information and Certification Center Brasov, together with the Forestry Inspection Directorate from the Ministry of Agriculture and Rural Development, in order to have an official overview about the situation of illegal logging. See below details of this study: Source: WWF DCP and Association for Forest Certification Fig. 2 Mapping of the potential risk areas for illegal logging and illegal timber trade in Romania The areas have been set up during the public consultation/workshop organized in Geoagiu, Hotel Diana 15-17 November 2006, by the WWF Danube Carpathian Programme and the Forest Information and Certification Centre Brasov, together with the Forestry Inspection Directorate of the Ministry of Agriculture and Rural Development. The delimitation of risk areas on maps was made with the support of the forest inspectors of Regional Forest Inspectorates. The activity of risk area identification was part of the Ministry of Agriculture Action Plan for fighting against illegal logging and illegal timber trade. The following criteria were taken into consideration during the risk area delimitation: 1. 1.Number of private owners with properties smaller than 1,00 ha. 2. 2. Forest property size. 3. 3. Number of complaints and letters addressed to the regional forestry inspectorates claiming illegalities in a certain forest area. 4. 4. The volume of illegally logged wood registered official during the forest inspections. 5. 5. Number of penalties and sanctions applied by the forest inspectors. 6. 6. Number of small size timber and wood sawmills 7. 7. Social problems and poor communities. 8. 8. Illegal or abusive forest restitution of important areas.		

	9. 9. Political pressure in cases of investigations done by the forestry inspectors 10. 10. Lack of forestry cadastre 11. 11. Non managed forest areas, according with Governmental Decision nr.139 According to National Institute of Statistics situation after Authorities inspections the total volume of illegal wood in 2010 was 189 982 m³. In 2010 In Romania was logged a total amount of 16 992 000 m³. *Risk*: UNSPECIFIED *Requirement:* 1.4 There is a low perception of corruption related to the granting or issuing of harvesting permits and other areas of law enforcement related to harvesting and wood trade. *Sources of information*: Transparency International http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table Official site of Ministry of Agriculture and Rural Development http://www.madr.ro/pages/page.php?self=02&sub=0206 *Evidence*: According to the Corruption Perception Index, Romania has a rate of 3.6 for 2011. Working Group on CWRA consider that it is conform with reality and approve as unspecified the indicator. *Risk*: UNSPECIFIED		
From National Stakeholder Consultation Comment on Centralized National Risk Assessment for Controlled Wood, for Romania Version: FSC-CNRA-RO V1-0 EN	WWF Danube Carpathian Program Romania. By: Vlad Radu, Serban Niculescu, Antoanela Costea, Radu Melu (rvlad@wwfdcp.ro ; sniculescu@wwfdcp.ro; acostea@wwfdcp.ro) “Regarding the Roma/gypsies discrimination in Romania, it has to be mentioned that: - Romania ratified the Framework Convention on national minorities protection from Strasburg (Law no. 33/1995 for ratification of the framework-convention on national minorities protection from Strasburg, February 1, 1995: http://legislatie.just.ro/Public/DetaliiDocument/5924 - The Labor Code (Law no. 53/2003) foresees in art. 5 „the principal of equal treatment” on employment: http://legislatie.just.ro/Public/DetaliiDocumentAfis/183782 - There are EU funds in Romania directed for the use of Roma people, such as the Operation Program for Human Capital 2014-2020 (that use to be	Country	

	the Structural Operation Program for Human Resources Development 2007-2013): http://www.fonduri-ue.ro/pocu-2014 □ The Government Program 2017-2020, include measures regarding social integration and poverty reduction, which will benefit to gypsies as well: http://www.cdep.ro/pdfs/oz/Program%20de%20Guvernare.pdf"		
Conclusion on country context: As EU member state, Romania scores medium or medium/high on most indicators reviewed in this context section such as stability, freedom and governance and it is a relatively free country for all its citizens. There are some human rights issues as discussed in the Amnesty Report. There is evidence that illegal logging is a serious problem in Romania and that weak forest governance and corruption are underlying problems.		Country	
Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.			
Guidance • Is the country covered by a UN security ban on exporting timber? • Is the country covered by any other international ban on timber export? • Are there individuals or entities involved in the forest sector that are facing UN sanctions?			
Compendium of United Nations Security Council Sanctions Lists https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/consolidated.pdf US AID: www.usaid.gov Global Witness: www.globalwitness.org			
From national CW RA: FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ROMANIA (FSC-STD-40-005-V-2.1) Version: Final; Approval date: 15 January 2013	*"Requirement:* 2.1 There is no UN Security Council ban on timber exports from the country concerned. *Sources of information*: Global Witness (http://www.globalwitness.org/pages/en/forests.html) *Evidence*: There is no UN Security Council export ban in Romania, according to United Nations and Global Witness sites. *Risk*: LOW"	Country	Low risk
Guidance • Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions? • Is the conflict timber related to specific entities? If so, which entities or types of entities?			
www.usaid.gov Conflict Timber is defined by US AID as:	No information on conflict timber in Romania found.	Country	Low risk

- conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3			
www.globalwitness.org/campaigns/environment/forests	No information on conflict timber in Romania found.	Country	Low risk
Human Rights Watch: http://www.hrw.org/	No information on conflict timber in Romania found. http://www.hrw.org/world-report/2015 There is no chapter on Romania in the country chapters of the HRW World Report 2015.	Country	Low risk
World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf Now: PROFOR http://www.profor.info/node/1998	This work resulted in a publication: Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. This tool has not yet been applied to Romania.	Country	Low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights http://www.amnesty.org	https://www.amnesty.org/en/documents/pol10/0001/2015/en/ No information on conflict timber related to Romania found.	Country	Low risk
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home Use indicator 'Political stability and Absence of violence' specific for indicator 2.1	In 2015 (latest available year) Romania scores 55 for Political Stability and Absence of Violence/Terrorism (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	Low risk
Greenpeace: www.greenpeace.org Search for 'conflict timber [country]'	No information on conflict timber in Romania found.	Low risk	Low risk
CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	No information on conflict timber or illegal logging in Romania found.	Low risk	Low risk
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	No other information on conflict timber in Romania found.	Low risk	Low risk
From national CW RA: FSC Controlled Wood risk assessment	*Requirement:*	Country	Low

SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ROMANIA (FSC-STD-40-005-V-2.1) Version: Final; Approval date: 15 January 2013	2.2 The country or district is not designated a source of conflict timber (e.g. USAID Type 1 conflict timber). *Sources of information*: Conflict Timber: Dimensions of the Problem in Asia and Africa. Volume I. Synthesis report. June 2003, available at: www.usaid.gov/hum_response/oti/pubs/vol1synth.pdf *Evidence*: Romania is not a source of conflict timber and it has never been considered a source of conflict timber. Romania ratified on Dec 17, 2009 the Agreement to the International Tropical Timber Agreement adopted on 27 January 17, 2006 in Geneva by the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement of 1994. *Risk*: LOW		
Conclusion on indicator 2.1: Although several sources mention illegal logging in Romania, no information was found on Romania as a source of conflict timber and the forest sector is not associated with any violent armed conflict. **The following low risk thresholds apply:** (1) The area under assessment is not a source of conflict timber ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.		Country	Low risk

Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.

Guidance

- Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1)
- Are rights like freedom of association and collective bargaining upheld?
- Is there evidence confirming absence of compulsory and/or forced labour?
- Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender?
- Is there evidence confirming absence of child labour?
- Is the country signatory to the relevant ILO Conventions?
- Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above?
- Are any violations of labour rights limited to specific sectors?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:: or use: ILO Core Conventions Database: http://www.ilo.org/ilolex/english/docs/declworld.htm	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102824 Romania has ratified all the 8 Fundamental ILO Conventions. The status on the ILO website for all 8 Conventions is 'in force'.	Country	Low risk

C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation) Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999 Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.	http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3136614:NO *Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)* *Forced Labour Convention, 1930 (No. 29) - Romania* "Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. Law enforcement measures. Referring to its previous comments, the Committee notes that the National Strategy against Trafficking in Persons 2012–16 was adopted in 2012, as was a National Action Plan for the Implementation of the Strategy for 2012–14. The Committee also notes the detailed statistical information in the Government's report indicating that in 2012, 427 persons were convicted of trafficking in persons. Of these, 144 persons were sentenced to between one and five years' imprisonment, 139 persons were sentenced to between five and ten years, 31 persons were sentenced to between ten and 15 years, and five persons were sentenced to more than 15 years in prison, while 107 persons received suspended sentences. The Committee further notes the detailed information provided by the Government on the monitoring conducted by the labour inspectorate of employment agencies through which Romanian citizens are hired to work in foreign countries. In 2012, 804 inspections of these employment agencies were conducted, resulting in 49 fines and 168 warnings, and the agencies were informed about their obligations to respect the legislative framework relating to the protection of Romanian citizens who work abroad. In addition, a specific national campaign to ascertain compliance with the legislation was carried out in October and November 2012, involving the investigation of 822 employment agencies and resulting in 20 fines and 114 warnings. The Committee notes that according to the compilation report prepared for the Human Rights Council's Universal Periodic Review by the Office of the High Commissioner of Human Rights, of 9 November 2012, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, noted that Romania continued to be a country of origin of trafficking in persons, and that there had been a decrease in trafficking for sexual exploitation but an increase in trafficking for forced labour. The Special Rapporteur recommended that measures be taken to ensure the effective implementation of anti-trafficking legislation (A/HRC/WG.6/15/ROU/2, paragraph 24). *The Committee requests the Government to pursue its efforts to prevent, suppress and combat trafficking in persons, particularly trafficking for labour exploitation. It requests the Government to continue to provide information on the measures taken in this regard, including measures taken within the framework of the National Strategy against Trafficking in Persons 2012–16. It requests the Government to continue to provide information on the application of the national legislation in practice, including the number of prosecutions, convictions and the specific penalties applied.* (..)	Country	Specified risk on forced labour

	Article 2(2)(c). 1. Work exacted as a consequence of a conviction in a court of law. In its previous comments, the Committee noted that while the Penal Code of 1968 contained an obligation of convicted prisoners to perform useful work, section 57 of Act No. 275/2006 concerning the implementation of sentences and measures ordered by the judicial authorities in the course of criminal proceedings, stated that prisoners may, with their consent, perform work which is related to their qualifications and abilities. However, the Committee subsequently noted that the Penal Code of 1968 had been repealed, and replaced by the Penal Code adopted in 2009, which does not include provisions on work performed by prisoners. The Committee notes the Government's statement that, pursuant to the legislative provisions in force, prisoners may only perform work with their consent and that selected prisoners have to sign a commitment to work, which includes their rights, obligations and restrictions during work, which is registered in their individual file. In this connection, the Committee notes the Government's statement that, as the new Criminal Code (scheduled to enter into force on 1 February 2014, pursuant to Law No. 187/2012) does not contain any provisions on the work of prisoners, this matter will be governed by the draft law on the execution of sentences and measures involving deprivation of liberty ordered by the court, once adopted. The Committee observes that section 78 of this draft law provides for the right to work for all convicted persons, but does not appear to contain provisions relating to the consent of the prisoner. Section 83 of this draft states that the work of prisoners shall be performed in a regime of service provisions for economic operators, natural or legal persons, inside or outside of the penitentiary, and that the administrator of the penitentiary may conclude contracts of service with economic entities or natural persons interested in using prisoners for work. Additionally, the Committee notes the Government's statement that the Order of the Minister of Justice No. 420/2011 on the conditions in which the convicted persons may work only with their consent was published in March 2011. The Government indicates that the annexes of Order No. 420/2011 provide models for the contract to be concluded in the penitentiary for work performed on a voluntary basis as well as the commitment of the convicted persons to work on a voluntary basis. *Taking due note of this information, the Committee requests the Government to provide a copy of the Order of the Minister of Justice No. 420/2011, including the Order's annexes, with its next report. It also requests the Government to provide information on how this Order is applied in practice, including by providing copies of signed contracts concluded between private enterprises and prisoners.* (..)" Comment from WWF Danube Carpathian Program Romania during national stakeholder consultation, compiled in April 2017: WWF points to an updated document:		

	"**Updated** "*Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017) Forced Labour Convention, 1930 (No. 29) - Romania (Ratification: 1957*)": http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289277 Regarding the " Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) Forced Labour Convention, 1930 (No. 29) - Romania", with respect to the "Work exacted as a consequence of a conviction in a court of law", the Order of the Minister of Justice No. 420/2011 is no longer in force, it has been replaced with the Government Decision No. 157/2016 approving the Regulation implementing Law No. 254/2013 on the execution of sentences and custodial measures ordered by the court during trial."	Country	Low risk on forced labour
	http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3085299:NO *Observation (CEACR) - adopted 2012, published 102nd ILC session (2013) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Romania* "**Legislative matters**. In its previous comments, the Committee had been commenting upon several sections of Act No. 168/1999 on the settlement of labour conflicts, Act No. 54/2003 on trade unions and the Labour Code. The Committee had noted the Government's indication that these pieces of legislation were being revised. The Committee hoped that in the context of the abovementioned legislative review, due account would be taken of the need to amend the relevant provisions to ensure that: (1) minors have the right to join unions without parental authorization as soon as they are authorized to work; (2) all public servants with the sole possible exceptions found in Article 9 of the Convention, have the right to organize; (3) workers exercising more than one occupational activity have the right to establish and join more than one organization of their own choosing; (4) the procedure for registration is simplified and the requirement of prior approval for amendments to trade union by-laws is removed; (5) the circumstances and conditions under which the assets of a union may be subject to liquidation are brought into conformity with Convention; (6) the powers afforded to public authorities in terms of control over the economic and financial activity of unions are limited to the obligation of submitting periodic reports or cases of complaints; (7) compulsory arbitration may only be imposed in essential services in the strict sense of the term, for public servants exercising authority in the name of the State or in cases of national or local crisis; and (8) minimum services are negotiated by the social partners concerned and, in the absence of agreement between the parties, determined by an independent body. The Committee notes that the Government indicates in its report that Act No. 62 of 2011 concerning Social Dialogue (Social Dialogue Act) abrogates Act No. 168 of 1999 on the settlement of labour disputes and Act No. 54 of 2003 on	Country	Low risk on violation of the right to freedom of association

	trade unions; and that Act No. 40 of 2011 substantially amends the Labour Code. The Committee notes with ***satisfaction*** that the following issues raised previously have been resolved through the adoption of the Social Dialogue Act: right of minors who are authorized to work to join unions without parental authorization (section 3(5)); right of workers exercising more than one occupational activity to establish and join more than one organization (section 3(4)); simplified union registration procedure and no prior authority approval for amendments to union by-laws (sections 14–20); no liquidation of union assets for debts payment to the State (sections 21–26); and compulsory arbitration only at the request of both parties (sections 179 and 180). The Committee notes, however, that certain issues previously raised are still pending after the adoption of the Social Dialogue Act (denial of the right to organize to certain categories of public servants (section 4); excessive control of trade union finances (section 26(2)); and minimum services set by law (section 205)). The Committee also notes a number of additional discrepancies between the provisions of the Social Dialogue Act and the Convention in terms of scope of application (such as self-employed, apprentices, dismissed or retired workers), eligibility conditions for trade union officials, restriction of trade union activities (prohibition of activities with political character), etc. In this respect, the Committee notes that the Government has recently benefitted from ILO technical assistance seeking to ensure the conformity with the Convention of a draft Emergency Ordinance which substantially amends the Social Dialogue Act. *The Committee trusts that the Government will take due account of its comments in the context of this legislative review and that the new legislation will be in full conformity with the Convention. The Committee requests the Government to indicate in its next report any developments in this respect.* The Committee is raising other points in a request addressed directly to the Government." http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3085296:NO *Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Romania* "In its previous comments, the Committee had noted the Government's indication that, inter alia, Act No. 168/1999 on the settlement of labour conflicts and Act No. 188/1999 on the status of civil servants were under review. The Committee hoped that in the context of the ongoing legislative revision, due account would be taken of the need to: (i) ensure that high-level civil servants are not suspended when choosing to carry out activities in the management of a trade union, and that the payment of wages to public servants on strike is not excluded from the scope of negotiations between the parties concerned (Act No. 188/1999); and (ii) provide detailed information on the practical application	Country	Low risk on violation of the right to freedom of association

	of the provisions concerning the right of management to demand the suspension or the declaration of the illegality of a strike (Act No. 168/1999), including copies of decisions handed down under these provisions. The Committee notes that the Government indicates in its report that Act No. 62 of 2011 concerning Social Dialogue (Social Dialogue Act) abrogates Act No. 168/1999. The Committee further notes the Government's indication that it has not been considered necessary to modify Act No. 188/1999, since high-level civil servants or civil servants with budgetary responsibilities have the prerogatives of public authorities and are thus in a conflict of interest, and since the scope of collective bargaining of public servants is restricted. *The Committee therefore once again draws the Government's attention to the need to amend: (i) section 29(3) of Act No. 188/1999, in order to ensure that high-level civil servants or civil servants with budgetary responsibilities are not suspended when they choose to exercise activities in the management of a trade union and that the matter will be the subject of consultations with the union concerned; and (ii) section 30(2) of that Act so as to ensure that the payment of wages to public servants on strike can be the subject of negotiations between the parties concerned. Finally, the Committee requests the Government to provide detailed information on the practical application of sections 198 to 200 of the Social Dialogue Act (under which the management can request the court to pronounce itself on the cessation of a strike and the court must within two days issue an urgent ruling as to whether the strike is illegal), and copies of decisions handed down under these provisions.* Moreover, concerning the comments made by the National Trade Union Confederation "CNS Cartel Alfa" (CNS "Cartel Alfa") on 6 April 2010 denouncing that Act No. 144 of 2007 obliges the presidents, vice-presidents, secretaries and treasurers of trade union federations and confederations to publicly declare their wealth and interests every year and grants to the National Integrity Agency (ANI) the power to verify such statements, the Committee notes the Government's reply referring to the aim of ensuring integrity and avoid corruption and to the existence of a corresponding obligation of employers' representatives (cf. section 1(1) (Nos 34 and 37) of Act No. 176 of 2010 amending Act No. 144 of 2007). The Committee recalls that, under Article 3 of the Convention, workers' and employers' organizations should have the right to organize their administration freely and that the public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof. As the autonomy and financial independence and the protection of the assets and property of organizations are essential elements of the right of organizations to organize their administration in full freedom, any legislative intervention in this respect merits the attention of the Committee. While it accepts legislative requirements that the constitutions of organizations should contain provisions relating to their internal financial administration or which provide for external supervision of financial reports, with a view to ensuring the conditions for honest and effective administration, it		

	considers that other interventions are incompatible with the Convention. For example, the Committee considers that such supervision is compatible with the Convention when it is carried out in the following manner (in all cases, both the substance and the procedure of such verification should be subject to review by the judicial authority, affording every guarantee of impartiality and objectivity): (i) the supervision is limited to the obligation of submitting annual financial reports; (ii) verification is carried out because there are serious grounds for believing that the actions of an organization are contrary to its rules or the law (which should not infringe the principles of freedom of association); and (iii) verification is limited to cases in which a significant number of workers (for example, 10 per cent) call for an investigation of allegations of embezzlement or lodge a complaint (see General Survey of 2012 on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008, paragraph 109). *Taking into account the aforementioned principles, the Committee requests the Government to delete section 1(1) (Nos 34 and 37) of Act No. 176 of 2010 amending Act No. 144 of 2007.* *The Committee trusts that the Government will be in a position to report progress in the near future on all the issues raised above*." Comment from WWF Danube Carpathian Program Romania during national stakeholder consultation, compiled in April 2017: WWF points to this updated document: *Observation (CEACR) - adopted 2015, published 105th ILC session (2016) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Romania (Ratification: 1957)* http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255983 WWF did not specify why this updated document is relevant in this context.	Country	No additional assessment
	http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3085310:NO *Observation (CEACR) - adopted 2012, published 102nd ILC session (2013) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Romania* "Articles 1, 2 and 3 of the Convention. **Effective protection against acts of anti-union discrimination and interference. Sanctions prescribed for acts of anti-union discrimination**. In its previous observation, noting that sections 10 of the Social Dialogue Act and 220(2) of the Labour Code prohibited acts of anti-union discrimination but that the new legislation did not seem to foresee sanctions in the case of their violation, the Committee had requested the Government to clarify this point. The Committee notes that the Government confirms that the Social Dialogue Act and the Labour Code as amended do not	Country	Low risk on violation of the right to organise

	contain sanctions for acts of anti-union discrimination but indicates that sanctions for anti-union dismissals are provided for in the general law such as in Government Ordinance No. 137 of 2000 concerning the prevention and sanctioning of all forms of discrimination. The Committee notes that the mentioned Ordinance contains provisions prohibiting and sanctioning discrimination on the grounds of race, nationality, religion, social origin, HIV, refugee status, conviction, age, sex or sexual orientation, as regards the entry into employment, modification or termination of the employment contract, etc. Noting that union affiliation or the engagement in legitimate trade union activities does not constitute a ground for discrimination under the Ordinance, the Committee recalls that the existence of general legal provisions prohibiting acts of anti-union discrimination (such as section 10 of the Social Dialogue Act and section 220(2) of the Labour Code) is not enough if these provisions are not accompanied by effective and rapid procedures to ensure their application in practice. *The Committee requests the Government to indicate the general legal provisions, which, according to the Government sanction acts of anti-union discrimination or, if need be, to take the necessary measures to guarantee full protection against acts of anti-union discrimination including by imposing sufficiently dissuasive sanctions*. **Sanctions in practice for acts of anti-union discrimination or interference**. Furthermore, the Committee had previously noted that, according to the ITUC, sanctions for anti-union activities are rarely imposed in practice due to loopholes in the Penal Code, and that the complaint procedure is too complicated. The Committee notes that the Government provides statistical information on sanctions imposed by labour inspection pursuant to section 217(1)(b) of the Social Dialogue Act, which concerns the refusal to bargain collectively (whereas acts of interference are sanctioned pursuant to section 217(1)(a)). The Committee recalls that the refusal to bargain collectively does not constitute an act of anti-union discrimination or interference. *The Committee once again requests the Government to provide in its next report statistical information, or at least the maximum information available, on the number of cases of anti-union discrimination and interference brought to the competent authorities, the average duration of the relevant proceedings and their outcome, as well as the sanctions and remedial measures applied in such cases.* **Tripartite meeting regarding recent anti-union practices.** (..) Article 4. **Promotion of collective bargaining. Bargaining level**. The Committee had previously requested the Government to indicate whether the new legal provisions allow the parties, if they so wish, to negotiate and conclude, in addition to sectoral agreements, collective agreements at the national level. It had also requested the Government to communicate comparative statistics for the period 2008–12 on the coverage of collective bargaining. The Committee notes the Government's indication that: (i) the Social Dialogue Act establishes in section 128(1) the "mandatory" bargaining		

	levels (i.e. enterprise, group of enterprises, and sector of activity as determined by the social partners), which does not prohibit collective bargaining at the national level, if the parties so decide, all the more so since the representativeness criteria at national level are already established; (ii) the national collective agreement is no longer valid due to its denunciation by the employer organization; and (iii) given that the requested comparative statistics 2008–12 would not be of relevance because 2012 is a period of transition necessary for the adaption to the new legal provisions, statistical data is provided only concerning the 2012 collective agreements at the level of sector of activity and groups of enterprises. The Committee notes the information provided by the Government but observes that the information on the sectoral collective agreements in force in 2012 was not attached to the report. The Committee notes with ***concern*** that the Government indicates, in a recent request for ILO technical assistance with regard to a draft Emergency Ordinance which substantially amends the Social Dialogue Act, that one of the consequences of the Social Dialogue Act was a drastic decrease in the number of collective agreements concluded at the enterprise level and at the level of sector of activity (due to delay in the determination of the sectors of activity by the social partners). *The Committee requests the Government to provide detailed information on any developments in regard to this decrease and to communicate comparative and other statistics on the coverage of collective bargaining.* **Criteria of representativeness**. The Committee had previously noted the representativeness criteria at enterprise level set out in section 51 of the Social Dialogue Act (union membership of at least 50 per cent plus one of the workers of the enterprise) and, recalling that if no union secures the absolute majority, collective bargaining rights should be granted to all the unions in the unit, at least on behalf of their own members, it had requested the Government to amend the legislation in order to ensure respect for this principle. The Committee notes that, according to the Government, if no trade union attains the majority to be recognized as bargaining agent, the “representatives designated by the employees” become the legitimate partners, which includes the representatives of the trade unions existing at enterprise level and the representatives elected by the workers. While noting this information, the Committee observes that, according to section 135(1): (i) in enterprises without a trade union meeting the representativeness criteria, if an enterprise-level union exists and is affiliated to a federation meeting the representativeness criteria in the relevant sector of activity, the negotiation of a collective agreement will be carried out by the representatives of that federation together with the elected workers’ representatives; and (ii) in enterprises without a trade union meeting the representativeness criteria, if an enterprise-level union exists but is not affiliated to a federation meeting the representativeness criteria in the relevant sector of activity, the negotiation of a collective agreement will be carried out by the elected workers’ representatives.		

	Recalling the principle enunciated above, the Committee underlines that the affiliation to a representative federation should not be required for being able to negotiate at enterprise level. It further emphasizes that direct negotiation between the undertaking and its employees, bypassing representative organizations where these exist, might in certain cases be detrimental to the principle that negotiation between employers and organizations of workers should be encouraged and promoted. *The Committee requests the Government to amend the relevant legislation in order to guarantee the application of these principles.*" Comment from WWF Danube Carpathian Program Romania during national stakeholder consultation, compiled in April 2017: WWF points to this updated document: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255991 *Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016)* *Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Romania* WWF did not specify why this updated document is relevant in this context. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3187008:NO *Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)* *Equal Remuneration Convention, 1951 (No. 100) - Romania* "Articles 1 and 2 of the Convention. **Assessment of the gender pay gap and its underlying causes**. The Committee notes that, according to Eurostat statistics, in 2012 the estimated overall gender pay gap on the basis of average gross hourly earnings was 9.7 per cent (22.7 per cent in manufacturing, 21.1 per cent in financial and insurance activities, 23.7 per cent in other service activities, and 12.8 per cent in education). The Committee further notes that the elimination of the gender pay gap is set as an objective by the Government Programme for 2013–16. *Recalling the importance of collecting and analysing recent and reliable data on the actual situation in order to address appropriately unequal pay, the Committee asks the Government to provide statistics on the earnings of women and men in employment, by occupational group and economic sector, and any research available on the evolution of the gender pay gap and its underlying causes. It further asks the Government to indicate the steps taken or envisaged to address the structural and underlying causes of the gender pay gap, such as vertical and horizontal occupational job segregation, and all measures taken to combat effectively the gender pay gap in sectors where it is particularly wide.* (..) Article 2. **Application of the principle by means of collective agreements.** The Committee recalls that, Collective Agreement No. 710 for	Country Country	No additional assessment Low risk on gender wage discriminati on

	the automobile construction industry does not reflect the principle of equal remuneration for men and women for work of equal value, since it only provides for "equal salary for equal work between men and women". The Committee notes the Government's indication that the labour legislation which includes the principle of equal remuneration for work of equal value applies to all workers and employers whether they are covered or not by collective agreements. It further notes that under Law No. 62/2011 on social dialogue, terms of collective labour agreements may establish rights and obligations only within the limits and conditions provided by law (section 132(1)). *The Committee once again asks the Government to provide information on the measures taken to encourage the social partners to reflect in sectoral collective agreements, such as Collective Agreement No. 710, the principle of equal remuneration for work of equal value, including any training and awareness-raising measures among workers' and employers' organizations on the concept of "work of equal value".* Articles 2 and 3. **Determination of remuneration and objective job evaluation in the public sector.** The Committee notes the Government's statement that under the Framework Act No. 284/2010 on the unitary pay system for public sector employees, the basic wage scale is established on the basis of a job evaluation, according to the following criteria: knowledge and experience; complexity; creativity and diversity of activities; impact of decisions; influence; coordination and monitoring; contacts and communication; conditions of work; incompatibility; and special regimes. According to the Government, the system of remuneration establishes the actual remuneration of public servants with respect to the responsibility of the post, work done, quality and quantity of work, the social importance of the work, the concrete conditions of work, and results obtained as well as the aforementioned criteria. Noting this information, the Committee recalls that particular care must be taken to ensure that the method and the criteria used are free from gender bias: it is important to ensure that the selection of criteria for comparison and their weighting and the actual comparison carried out are not discriminatory, either directly or indirectly, and do not undervalue or overlook skills considered to be "female", such as those required in the caring professions, in comparison with skills traditionally considered to be "male", such as technical skills (see General Survey on the fundamental Conventions, 2012, paragraph 701). *The Committee asks the Government to ensure that the methods and criteria used and applied to determine remuneration in the public service are free from gender bias and do not result in undervaluing the jobs predominantly held by women in the public sector. The Committee also asks the Government to provide information on the access of male and female civil servants to additional benefits and to indicate how, and by which authority, complaints regarding discrimination in remuneration are addressed. Please provide data on the distribution of men and women in the various posts and occupations of the public sector and their corresponding levels of earnings*." (..)	Country	Low risk on forced labour (obligation to work in prison)

	http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3136684:NO *Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)* *Abolition of Forced Labour Convention, 1957 (No. 105) – Romania* "**Obligation to work in prison**. In its previous comments, the Committee noted the adoption, in July 2009, of a new Penal Code (Act No. 286/2009), which, unlike the previous Penal Code, did not include provisions relating to the work to be performed by prisoners. It noted the Government's indication that the Penal Code of 2009 had not yet come into force and that a draft law implementing the Penal Code was still under debate. The Committee notes the Government's statement that the Penal Code (Act No. 286/2009) will come into force on 1 February 2014, and that, as the Penal Code does not contain provisions in this regard, the matter of prison labour will be governed by the draft law on the execution of sentences and measures involving deprivation of liberty ordered by the court, once adopted. It observes that section 78 of this draft law provides for the right to work of convicted prisoners, but does not appear to contain provisions relating to compulsory prisoner labour. However, the Committee notes the Government's statement in its report submitted under the Forced Labour Convention, 1930 (No. 29), that the Order of the Minister of Justice No. 420/2011 on the conditions in which the convicted persons may work only with their consent was published in March 2011. The Government indicates that the annexes of Order No. 420/2011 provide models for the contract to be concluded in the penitentiary for work performed on a voluntary basis, as well as the commitment of the convicted persons to work on a voluntary basis. *The Committee requests the Government to provide a copy of the Order of the Minister of Justice No. 420/2011, including the Order's annexes, with its next report. It also requests the Government to provide a copy of the draft law on the execution of sentences and measures involving deprivation of liberty ordered by the court, once adopted."* Comment from WWF Danube Carpathian Program Romania during national stakeholder consultation, compiled in April 2017: WWF points to this updated document: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289280 *Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017)* *Abolition of Forced Labour Convention, 1957 (No. 105) – Romania* WWF did not specify why this updated document is relevant in this context. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3189696:NO	Country Country	No additional assessment Low risk on discriminati on

	Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Romania No information found on specified risks in this report. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3136946:NO *Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) Minimum Age Convention, 1973 (No. 138) - Romania* "Article 2(1) of the Convention and Parts IV and V of the report form. **Scope of application, labour inspection and application of the Convention in practice**. The Committee previously noted that section 2 of the Labour Code applies only to persons employed under a work contract. It also noted that in several branches of activity children have been identified as being involved in intolerable and hazardous work in the formal and informal sectors by such professional bodies as the inspectorates responsible for labour, social welfare and child protection, education, health and of the police. The Committee notes with ***interest*** the detailed information that the Government's report contains on the inspectorates' efforts to combat illegal employment, including child labour. The Committee notes that in 2012 the territorial labour inspectorates identified 72 cases of employers ignoring the minimum age for the employment of minors or disregarding their working conditions and informed the criminal investigation authorities accordingly. In addition, between 27 August and 8 September 2012 the labour inspectorate conducted a national campaign to prevent and combat the employment of children and young people under the age of 18, with the general purpose of raising employers' awareness of their obligation to respect the rules governing children's and young persons' engagement to work. The campaign's specific goals included identifying employers who take on young people under 18 years of age without any legal form of employment and encouraging them to draw up individual work contracts for young people who are in an irregular situation. The Government states that, during the campaign, the territorial labour inspectorates collaborated with the departmental payment agencies and social inspection agencies in organizing inspection teams and making their travel arrangements and that, where necessary, the inspection teams received support from the departmental police inspectorate. In the course of the campaign, 1,370 employers were inspected; 21 were sanctioned for employing manpower without any legal form of employment, and nine of these were sanctioned for employing young people between 15 and 18 years of age without an individual written contract. In all, 1,016 fines were imposed, 462 of them for failure to comply with legal provisions regarding the employment of minors. The fines amounted in total to 563,500 Romanian New lei (RON), of which RON100,000 were for using the labour of young people between 15 and 18 years of age without an individual written contract and RON148,600 for	Country	Specified risk on child labour

	failing to comply with legal provisions regarding the employment of minors. Thirty-seven cases were brought before the criminal investigation authorities for employing minors in violation of the legal provisions regarding the minimum age for employment or of the regulations governing the employment of minors. *The Committee requests the Government to continue providing information on the manner in which the Convention is applied, including statistics on the employment of children and young people and extracts from labour inspection reports indicating the number and nature of infringements of the law concerning children and young people, especially children working for their own account or in the informal economy, as far as possible disaggregated by age and sex*." Comment from WWF Danube Carpathian Program Romania during national stakeholder consultation, compiled in April 2017: WWF points to this updated document: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289730 *Full reply to a direct request (CEACR) - adopted 2016, published 106th ILC session (2017)* *Minimum Age Convention, 1973 (No. 138) – Romania* "The Committee notes the information provided by the Government, which answers the points raised in its previous direct request and has no further matters to raise in this regard." http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3137137:NO *Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)* *Worst Forms of Child Labour Convention, 1999 (No. 182) - Romania* "Article 6 of the Convention. **Programmes of action to eliminate the worst forms of child labour. Child trafficking**. In its previous comments, the Committee noted the Government's indication that the joint efforts of all the national and international institutions led to a decrease concerning the extent of the phenomenon of trafficking and that efforts have been made in the last few years to fight against more organized criminal networks. However, the Committee also noted the Government's indication that the increased mobility of criminal groups and a more organized structure in their hierarchy have led to an increase in the number of identified victims of trafficking, including child victims, at the national level in 2010, as compared with that to 2009. The Committee also noted that, in its concluding observations of 30 June 2011, the Committee on the Rights of the Child (CRC) expressed concern that the number of sexually exploited children, including foreign children trafficked within Romania was high; that the number of children trafficked from Romania to other European States had increased; and that internationally and internally	Country Country	Low risk on child labour Low risk on child labour

	trafficked girl victims of sexual exploitation were treated differently as they are sometimes seen as criminals (CRC/C/ROM/CO/4, paragraph 87). Moreover, the Committee noted that the Report of the Mission to Romania of the Special Rapporteur on contemporary forms of slavery of 30 June 2011 (Report of the Special Rapporteur), also indicated that children were trafficked internally and that, in most cases, their exploitation occurred in private dwellings, making such cases difficult to uncover (A/HRC/18/30/Add.1, paragraph 52). The Committee also notes the Government's information pertaining to several projects implemented in order to combat child trafficking. These include the project to reduce child trafficking by increasing police law enforcement efficiency in the European Union (EU) and the European Economic Area (EEA) by implementing directives and norms in the field, which aims inter alia to identify the problematic issues currently facing the EU and EEA police on child victims of trafficking in terms of identification and referral to specialized services; to create a common police procedure manual for the EU and EEA; and to promote and disseminate the manual in the EU and EEA, known as destinations for Romanian child victims of trafficking. The Government also indicates that the project "REVENI – Transnational Monitoring on the repatriation procedures of Romanian and Bulgarian child citizens" was conducted in 2010–12, in the framework of which a study was conducted considering the relevant legislation, specific regulations and practices regarding the protection of child victims and children at risk of being trafficked and which recommended the creation of a standardized procedure applicable to the 27 Member States of the EU promoting domestic and transnational coordination. The Committee requests the Government to pursue its efforts to combat the trafficking of children under 18 years of age for sexual and labour exploitation and to provide information on the progress achieved. Moreover, it requests the Government to provide information on the number of child victims of trafficking who were identified within the framework of these projects. Clause (d). **Identifying and reaching out to children at special risk. Roma and street children**. In its previous comments, the Committee noted that, according to the Report of the Special Rapporteur, some children, mostly Roma, were involved in street begging, washing cars at dangerous intersections, loading and unloading heavy merchandise, or collecting waste products such as scrap iron, glass or paper, as well as in agriculture, including animal farming, and the construction sector (A/HRC/18/30/Add.1, paragraph 38). The children who were occasionally found on the streets were forced to beg or perform other activities in very difficult conditions and in unsafe environments, some for over eight hours per day, the majority of them having dropped out of school at an early age (paragraph 42). As for the children who were permanently living in the streets, they lived in inhuman conditions and experienced violent environments. The Committee noted that, in its concluding observations of 30 June 2009, the CRC, while noting the reported decrease in the number of children living in the streets, was concerned that many street		

	children had to work for their sustenance, and said that the majority do not go to school and lack birth certificates (CRC/C/ROM/CO/4, paragraph 84). In this regard, the Committee noted that the Report of the Special Rapporteur indicated that the Government had recognized the issue of undocumented children who live in the streets and gave them temporary identification documents which allows them to go to school and have access to health services (A/HRC/18/30/Add.1, paragraph 45). However, the Special Rapporteur also reported that there were still cases of children deprived of identity documents, mainly among the category of street children and the Roma ethnic group (paragraph 46). The Committee notes the Government's information that the project entitled "Street Children Initiative" was implemented until December 2011, the results of which include the creation of nine shelters and five emergency centres with a capacity of 15 children per centre, and the training of 132 professionals. The Government indicates that, in 2012, 226 children were found living in the streets with their families, 236 children were found living in the street without their families, and 291 street children were found working. Moreover, the Government indicates that 1,748 services were provided to street children, including shelter and day care centres. In addition, 1,723 children were withdrawn from the streets and street work. Recalling that street children are particularly exposed to the worst forms of child labour, the Committee urges the Government to pursue its efforts to protect children living and working in the streets, in particular Roma children, from the worst forms of child labour and to provide for their rehabilitation and social integration. It asks the Government to continue providing information on the measures taken and the results achieved in this regard." Comment from WWF Danube Carpathian Program Romania during national stakeholder consultation, compiled in April 2017: WWF points to this updated document: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3299956 *Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017)* *Worst Forms of Child Labour Convention, 1999 (No. 182) – Romania* WWF did not specify why this updated document is relevant in this context.	Country	No additional assessment
ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/declaration/lang--en/index.htm Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association' Amongst others use, if applicable:	http://www.ilo.org/budapest/information-resources/press-releases/WCMS_167216/lang--en/index.htm *Combating Child Labour in Romania* *Press release | 02 May 2010* "In Central and Eastern Europe, the ILO, through its International Programme on the Elimination of Child Labour (IPEC), has provided direct services to over 19,000 child labourers and children at risk since 2000. The Global Report reviews the ILO's assistance to Romania.	Country	Low risk on child labour

http://www.ilo.org/global/publications/books/WCMS_324678/lang--en/index.htm *Global Wage Report 2014/15* "The Global Wage Report 2014/15 analyses the evolution of real wages around the world, giving a unique picture of wage trends and relative purchasing power globally and by region." http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_178415.pdf *Equality and non-discrimination at work in East and South-East Asia – Guide (2011)*	**Supporting national developments in Romania** The change in Romania towards a market economy and democracy after the overthrow of the Ceaucescu regime in 1989 brought drastic changes in the economic, social and political environment of the country. As a result of these rapid changes, unemployment and poverty levels increased, forcing many Romanians to migrate. These shocks had a direct impact on children. The numbers missing out on school and social services increased and thousands were left in the care of government institutions. The plight of these children, especially those who were abandoned by their parents, attracted international attention. Child labour began to emerge as a problem needing urgent measures to combat it. In this context, IPEC began to provide technical assistance to the Government of Romania and local partners in the framework of a country programme launched in 2000. This had a number of components and phases, culminating in the completion of direct IPEC assistance in September 2009. In this context, IPEC began to provide technical assistance to the Government of Romania and local partners in the framework of a country programme launched in 2000. This had a number of components and phases, culminating in the completion of direct IPEC assistance in September 2009. With funding support from the US Department of Labor and the Government of Germany, programme interventions focused on the worst forms of child labour, particularly trafficking, where Romania was part of a subregional effort. Within this framework, a considerable number of activities were developed, embracing 16 action programmes and 13 studies. Furthermore, 16 national tripartite consultations and workshops were conducted that have contributed to a growing awareness of the child labour issue and helped forge a national response to the problem. There have been very considerable achievements. One of the most important has been the political commitment shown by the Government and social and civil society partners. This is evidenced by a number of important legislative, policy and institutional developments. Membership criteria to join the European Union also played a part. Romania ratified ILO Convention No. 182 in 2000. A law preventing and combating trafficking was passed in 2001 in conformity with European and international law. A child labour monitoring system was established in 2002 and applied by local authorities and partners at the national level. Romania extended the period of compulsory education to ten years in 2003. In 2004, the Government established a National Steering Committee on Child Labour incorporating the social partners and approved a national plan of action. The following year child labour was included for the first time in national law, namely the Law on the Protection and Promotion of the Rights of the Child. A child labour unit was identified within the national authority for the protection of child rights. The hazardous work list was revised and updated in 2009.		

	Budgetary allocations from national and local resources for policies and programmes addressing the worst forms of child labour and the services for the affected children have increased gradually but significantly. Through political commitment, effective social partnerships, awareness-raising strategies and mobilization of local resources, Romania has gained considerable experience and technical skills that can also be put at the disposal of other countries in the region." http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_090548.pdf *Forced labour and trafficking in Europe: how people are trapped in, live through and come out* *Working Paper; International Labour Office, Geneva, February 2008* "Data published by UNODC confirms the tendency that trafficking routes link low with high-level income countries. The UNODC report (2005) associates origin countries with the recruitment of victims or potential victims, either by the use of coercive means or deception. From 161 countries where data was reported, 127 were classified as source countries. The following European countries scored very high as source countries: Albania, Belarus, Bulgaria, Lithuania, the Republic of Moldova, Romania, the Russian Federation and Ukraine. With the exception of Belarus, Lithuania and Russia, these countries have a high poverty incidence according to the World Bank." In this report, Romania is not mentioned as a country in which forced labour occurs. Several other sources on the ilo.org site identify Romania as a source country for forced labour.	Country	Low risk on forced labour
ILO Child Labour Country Dashboard: http://www.ilo.org/ipec/Regionsandcountries/lang--en/index.htm	Romania does not feature in the Child Labour Country Dashboard	Country	Low risk on child labour
ILO Helpdesk for Business on International Labour Standards: http://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm	No reference to specific risks in Romania found.	Country	Low risk
Global March Against Child Labour: http://www.globalmarch.org/	http://www.globalmarch.org/kNOw-child-labour *KNOw Child Labour* "Romania and Bulgaria are among 11 countries listed by the United Nations as top sources of human trafficking, based on reported numbers of victims." (no child labour mentioned in the source)	Country	Low risk on child labour and forced labour
Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx	Romania has ratified the Convention on the Rights of the Child. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fROM%2fCO%2f4&Lang=en *Convention on the Rights of the Child; 30 June 2009. Committee on the Rights of the Child. Fifty-first session.*	Country Country	Low risk on child labour Low risk on child labour

	CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION *Concluding observations of the Committee on the Rights of the Child: Romania* "C. **Main areas of concern and recommendations** 1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention) Committee's previous recommendations 5. The Committee, while welcoming the efforts made by State party to implement the Committee's concluding observations on its previous report (CRC/C/15/Add.199), notes with regret that some of the recommendations contained therein have not been fully implemented, in particular, those related to: discrimination against children belonging to the Roma minority, the creation of an independent body for the promotion and monitoring of the implementation of the Convention, the strengthening of the Child Monitoring and Tracking Information System (CMTIS), as well as ensuring sufficient resource allocation, especially for disadvantaged counties and communities, with regard to decentralization in the provision of social services. 6. *The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the previous report that have not yet - or not sufficiently - been implemented. In this context, the Committee draws the attention of the State party to general comment No.5 (2003) on general measures of implementation of the Convention on the Rights of the Child.*" (..) "7. Special protection measures **Economic exploitation, including child labour** 82. The Committee welcomes the fact that the new Penal Code criminalizes inducing or forcing children to beg by adults, as well as the setting up of a National Director Committee for prevention and combating of child labour, which is to establish specialized child labour units in relevant institutions and take over from the International Programme on the Elimination of Child Labour of the International Labour Organizations (ILO-IPEC) the elaboration and monitoring of programmes and activities. Nevertheless, the Committee is concerned about the high incidence of child begging. While the Committee notes that the NAPCR can sanction employers found to use child labour and that inspections are being carried out and fines collected from persons found to illegally employ minors between the ages of 15 to 18, not all local inter-sectoral teams created to combat child labour are functional. 83. The Committee recommends that the State party: (a) Intensify efforts to implement and enforce laws and policies protecting children from economic exploitation, including child labour and begging; (b) Monitor the situation of children involved in all forms of economic exploitation, including child labour, with a view to eliminating such practices,		

	ensure children attend school as appropriate, and protect their health and wellbeing; (c) Collect data on child victims of economic exploitation, including child labour, allowing for disaggregated analysis by activity and follow-up measure taken."		
Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to 'Key documents' on the left hand side. Go to "observations' and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations	http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=ROU&Lang=EN The latest concluding observations from the CEDAW dates from 2006 which is not considered to be a relevant source in 2015.	Country	Low risk on discrimination against women
Human Rights Watch: http://www.hrw.org/	No specified risk information found regarding labour rights in Romania.	Country	Low risk
Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	Romania scores 'high risk' on the Child Labour Index.	Country	Specified risk on child labour
http://www.verite.org/Commodities/Timber (useful, specific on timber)	Romania is not mentioned on this site.	Country	Low risk
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en	Romania is classified in category 3 "Regular violation of rights" which is the 3rd out of 6 categories. "Government and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible."	Country	Specified risk in violation of collective labour rights
Gender wage gap (in OECD countries) http://www.oecd.org/gender/data/genderwagegap.htm	Romania is not a OECD member.	Country	No info
World Economic Forum: Global Gender Gap Index 2014 http://reports.weforum.org/global-gender-gap-report-2014/rankings/ Search for country rankings for the adjusted and the unadjusted pay gap	*Global Gender Gap Index 2014.* Romania ranks no. 72 out of 142 countries with a score of 0.694. (The highest possible score is 1 (equality) and the lowest possible score is 0 (inequality)). http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=ROU On the more specific sub-index on **Economic participation and opportunity** Romania ranks no. 60 with a score of 0.683.	Country	Specified risk on gender wage discrimination

	Within that index, the most specific and relevant indicator is the **Wage equality for similar work.** Here Romania ranks only no. 101 on the with a score of 0.58 which is below the global average (of 142 included countries).		
Google the terms '[country]' and one of following terms 'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender pay/wage gap, 'violation of labour union rights' 'violation of freedom of association and collective bargaining'	http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics#Main_statistical_findings **Eurostat** *The unadjusted gender pay gap, 2013 (1) - difference between average gross hourly earnings of male and female employees as % of male gross earnings.png* The estimated unadjusted gender pay gap for Romania is 9%, which is one of the lowest within the EU. http://download.springer.com/static/pdf/540/art%253A10.1186%252Fs40174-015-0032-3.pdf?originUrl=http%3A%2F%2Flink.springer.com%2Farticle%2F10.1186%2Fs40174-015-0032-3&token2=exp=1450360019~acl=%2Fstatic%2Fpdf%2F540%2Fart%25253A10.1186%25252Fs40174-015-0032-3.pdf%3ForiginUrl%3Dhttp%253A%252F%252Flink.springer.com%252Farticle%252F10.1186%252Fs40174-015-0032-3*~hmac=96ab3cfb1e627a3222e3e62f3be17161e6c55b0d3e7d8e73d48574ba44f7bf66 *IZA Journal of European Labor Studies* *Gender and occupational wage gaps in Romania: from planned equality to market inequality?* "**Summary and conclusions** (..) The decomposition of the gender wage gap shows that the endowments (or the observables) had a negative contribution to the overall difference. Moreover, during the last analyzed transition years, the unexplained and the selection components of the wage gap developed in opposite directions for male-dominated and female dominated occupations. The unexplained component was negative only for the female-dominated occupations, which might suggest that women working in the female-dominated occupations were getting a "gender bonus". Nevertheless, the "unadjusted" gender gap might be explained (largely) by nondiscriminatory factors, such as family responsibilities and particularly the different involvement of men and women in housework. However, given that the economy and society in general and the labor market in particular experienced a multitude of complex changes during the analyzed period, it is possible that much of the wage gap is due to institutional norms, employer practices, and labor market policies. These three elements changed continuously and reflect the structural conditions of the labor market and the societal restrictions, which may create not only different labor market opportunities for different groups of people but also relative values of different occupations in society.(..)"	Country Country	Low risk on gender wage discrimination Low risk on gender wage discrimination

	http://www.ilo.org/global/research/global-reports/global-wage-report/2014/lang--en/index.htm *ILO Global Wage Report 2014/15* "The Global Wage Report 2014/15 reviews the main trends in wages in developed, emerging and developing countries. It also analyses inequality in the labour market and in household income." In this report Romania has a reversed adjusted wage gap of about -2.5% (shown in figure 37 on page 49). http://www.unicef.org/romania/children_1605.html *UNICEF Romania; Trafficking and child labor* "Growing numbers of female migrants and unaccompanied children, coupled with a demand for cheap unprotected labor, suggest that the issue of trafficking may escalate in future. Furthermore, in Romania, as in several other countries in the region, a new group of children at risk of trafficking has emerged, namely children with disabilities, being used for begging." http://www.ncbuy.com/reference/country/humanrights.html?code=ro&sec=6d *NCBuy: Romania Human Rights Report (2015)* **Status of Child Labor Practices and Minimum Age for Employment** "There were no accurate statistics on illegally employed children. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in the Roma community; these children could be of any age. There was recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor. Child labor legislation was adequate, but enforcement tended to be lax except in extreme cases, most notably those that attract media attention, such as a case in which children had been "sold" by a rural family to work on a pig farm. The case only came to light when one of the children was grievously injured and had to receive medical care." **Prohibition of Forced or Compulsory Labor** "The Constitution prohibits forced or bonded labor, including by children; however, there were reports of Roma children involved in child labor and trafficking (see Sections 6.d. and 6.f.)." **The Right to Organize and Bargain Collectively** "Workers have the right to bargain collectively, but collective bargaining was hindered by state control of many industrial enterprises and the absence of independent management representatives at these entities. Although the law supports collective bargaining as an institution, resulting contracts were not	Country Country Country Country	Low risk on gender wage discrimination Low risk on child labour Low risk on child labour Low risk on forced labour Low risk on violation of rights to organize

	consistently enforceable. Basic wage scales at state-owned enterprises were established through collective bargaining with the Government. Public employees could bargain for everything except salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements. The collective labor dispute law establishes the conciliation, mediation, and arbitration procedures that must be followed during strikes. The law provides for establishment of tripartite arbitration panels from arbitrators approved by the Economic and Social Council, where trade unions and employers associations each have one-third of the membership. Nevertheless, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take disputes to the Government for resolution. Neither the new Labor Code nor the new Trade Union Law changed lengthy and cumbersome requirements that make it difficult to hold strikes legally. Unions may strike only if all conciliation means have failed, and the employer is given 48 hours notice. Strikes can only be held to defend the workers' economic interest and not for political reasons. Companies can claim damages from strike initiators if a court deems a strike illegal. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare illegal the majority of strikes. Judges, prosecutors, and related Ministry of Justice staff are prohibited to strike, as are Ministry of Defense, Ministry of Administration and Interior, and intelligence service employees. As in the past, fear of job losses due to privatization motivated many strikes. The Government took unions' concerns into account in its privatization strategies. Labor unrest continued at the Resita steel plant. Labor legislation is applied uniformly through the country, including in the 6 free trade zones and the 31 disadvantaged zones." https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/2011-03-romanian_report_going_beyond_1.pdf *The European Commission: RESEARCH On TRAFFICKING IN HUMAN BEINGS LABOR EXPLOITATION: ROMANIA (2010)* "Romania is an origin and transit country for Human Trafficking (HT) victims. The time of Romania's European Union integration determined new perspectives over the human trafficking, meaning that Romania was expected to become more and more visible as a destination country, as well as in terms of the need to increase the capacity of the Romanian authorities to respond to human within the new European context." "VIII. Statistics on the phenomenon of trafficking in persons from exploitation through forced labor in Romania for 2007-2008 (identified victims) YEAR 2007 Total: 877 persons - representing 68% of victims identified in 2007	Country	and bargain collectively Low risk on forced labour

	Sex: male: 81% female: 19% (..) Sectors they worked in: Agriculture: 68% Construction: 28% Hotel services: 4% Countries of destination: Spain: 28% Czech Republic: 27% Italy: 21% Greece: 18% Romania: below 3% Other destination countries: (Germany, Cyprus, Belgium and Slovakia): below 2% YEAR 2008 Total: 716 persons - meaning 58% of all victims of trafficking Sex: male: 78% female: 22% (..) Sectors they worked in: Agriculture: 578 Construction: 111 Hotel services: 27% Countries of destinations: Spain: 39% Greece: 18% Czech Republic: 13% Italy: 12% Germany: 5% Romania: below 3% Cyprus: 3% Other destination countries (Slovakia, Austria, Ireland, Belgium, France, South Korea, China): 6%		
Additional general sources	**Additional specific sources**		
From national CW RA: FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ROMANIA	*Requirement:* 2.3 There is no evidence of child labour or violation of ILO fundamental Principles and Rights at work taking place in forest areas in the district concerned. *Sources of information*: Romanian Constitution		

(FSC-STD-40-005-V-2.1) Version: Final; Approval date: 15 January 2013	Global Child Labor developments: Measuring Child labor trends 2004-2008 (http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=13313) *Evidence*: According to Romanian Constitution, all citizens have equal rights to work with no discrimination on gender, political and religious views and nationality. Women and men have equal rights to work and to be part of Labor Unions and to benefit from social rights. Romania has ratified all ILO Conventions concerning the child labor and ILO Fundamental Principles. National legislation concerning the ratification of ILO Convention 182/199 - regarding the Child Labor and different forms of child labor - ratified through Law 203/ 2000 - 15.11.2000 concerning child labor. Romania is not mentioned in IPEC database as a country with problems in child labor. According to national legislation for Health and Safety, in the silvicultural branch, the minimum age for working in the logging sector is 18 years, and for working in a tree nursery is 16. Labor legislation in Romania complies with ILO convention requirements: ord. 727/1991- H&S regulations; O.U. 59/2000 Statute of forestry employees; Labor Code – Law 53/2003. *Risk*: LOW		
Conclusion on Indicator 2.2: - All social rights are covered by the relevant legislation and enforced in Romania. (refer to category 1) - Romania is classified in the category 3 of the ITUC Global Rights Index which stand for "Regular violation of rights to freedom of association, collective bargaining and strike." Nevertheless, all other sources analyzing describe minor violations and no evidence is found of violations in the forestry sector. - There is ample evidence that Romania is one of the countries that is a major source of human trafficking. The victims of the trafficking in many cases are exploited as forced labour in other countries. There is also evidence that the juridical system is improving its fight against trafficking in persons and there is evidence that forced labour does not occur on a large scale or structurally in Romania and there is no evidence of forced labour in the forestry sector. Although category 1 indicator 1.12 concludes specified risk for legal employment that does not contradict low risk for forced labour because the description of the risk of indicator 1.12 reports lots of labour without contracts but there is no plausible link to a specified risk on forced labour: "the length of employment is very short in the forestry sector (in Romania). To avoid complications, many employees prefer not to contract workers with employment contract. The finding is based on the authors experience from the field. It has not been possible to identify written sources to provide evidence on the magnitude of the problem, which is why a specified risk is concluded based on a precautionary approach." - There is evidence for cases of child labour but almost all sources specifically mention street children and the risk of being forced to begging. Child labour is only limited as work force and there is no evidence that this also takes place in the forestry sector. - There is evidence of discrimination of Roma but there is no evidence of any link to the forestry sector. - Regarding the issue of gender wage discrimination, the two most important sources, respectable sources showing the adjusted gender wage gap and not just the unadjusted gender wage gap, present contradictory conclusions. The World Economic Forum has the indicator *Wage equality for similar work*. Here Romania ranks only no. 101 out of 142 countries which is far below the global average. On the other hand, the ILO Global Wage Report shows a relatively small adjusted wage gap. Within this situation, we find the ILO report more important.		Country	Low risk

The following low risk thresholds apply: (10) Applicable legislation for the area under assessment covers the key principles recognized in the ILO Fundamental Principles and Rights at work (which are recognized as: freedom of association and right to collective bargaining; elimination of forced and compulsory labour; eliminations of discrimination in respect of employment and occupation; and effective abolition of child labour), AND the risk assessment for relevant indicators of Category 1 confirms enforcement of applicable legislation ('low risk'); AND (12) Other available evidence do not challenge 'low risk' designation.		

Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.

Guidance:

- Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?
- Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)
- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169			
Survival International: http://www.survivalinternational.org/			
Human Rights Watch: http://www.hrw.org/			
Amnesty International http://amnesty.org			
The Indigenous World http://www.iwgia.org/regions			
United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx			
UN Human Rights Council Universal Periodic Review http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx			
UN Human Rights Committee http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx			

search for country Also check: UN Committee on the Elimination of All Forms of Racial Discrimination http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx			
Intercontinental Cry http://intercontinentalcry.org/			
Forest Peoples Programme: www.forestpeoples.org FPP's focus is on Africa, Asia/Pacific and South and Central America.			
Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english			
Regional human rights courts and commissions: - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/ http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights - African Court on Human and Peoples' Rights - European Court of Human Rights			
Data provided by National Indigenous Peoples', Traditional Peoples organizations;			
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;			
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);			
National land bureau tenure records, maps, titles and registration (Google)			
Relevant census data			
- Evidence of participation in decision making; (See info on implementing ILO 169 and protests against new laws) - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.); (See info on implementing ILO 169 and protests against new laws)			
National/regional records of claims on lands, negotiations in progress or concluded etc.			
Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)			

Social Responsibility Contracts (*Cahier des Charges*) established according to FPIC (Free Prior Informed Consent) principles where available			
Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'			
Additional general sources for 2.3	**Additional specific sources**	**scale of risk assessment**	**risk indication**
From national CW RA: FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ROMANIA (FSC-STD-40-005-V-2.1) Version: Final; Approval date: 15 January 2013	*Requirement:* 2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned. *Sources of information*: Romanian Constitution Minister of Environment and Forests - forest restitution data's for 2008 http://www.mmediu.ro/ *Evidence*: There is no evidence of conflicts concerning the traditional or cultural rights and land use of local communities. According to the Ministry of Environment and Forests there are 1582 local communities (associations of forest owners) possessing a total amount of 526042 ha of forests, after the restitution process in 2002-2005. These forest areas are managed only by authorized FMU (state or private) according with Gov. Order 139/2007. There are no conflicts which are under an process and reclaimed as inequitable. Romania ratified The World Cultural and Natural Heritage Convention (UNESCO, Paris, 16 November 1872) by Decree 187/1990. There are no conflicts related to traditional and cultural rights in the district. There are registered conflicts related only to private property (restitution process) of local communities, situation which is also covered by the Romanian legislation. The implementation of restitution laws (Law 18/ 1991; Law 1/2000 and Law 247/2005) sometimes led to unavoidable disputes. The number of disputes related to the first two laws has significantly decreased, while the implementation of Law 247 may lead to some other actions into Court when the restitution right is not clearly provided. Although the number of such actions may be smaller, the areas concerned may be larger (e.g. situation of the Romanian Orthodox Church Forest Fund)	Country	Low risk

	Law 247/2005 stipulates the restitution of all properties towards their former owners. The law includes mechanisms to solve potential disputes. Currently, the law is under implementation. *Risk*: LOW *Requirement:* 2.5 There is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned. *Sources of information*: N/A *Evidence*: Not applicable for Romania *Risk*: LOW		
From National Stakeholder Consultation compiled in April 2017 Comment on Centralized National Risk Assessment for Controlled Wood, for Romania Version: FSC-CNRA-RO V1-0 EN	WWF Danube Carpathian Program Romania. By: Vlad Radu, Serban Niculescu, Antoanela Costea, Radu Melu (rvlad@wwfdcp.ro ; sniculescu@wwfdcp.ro; acostea@wwfdcp.ro) "related to the "...Although the number of such actions may be smaller, the areas concerned may be larger (e.g. situation of the Romanian Orthodox Church Forest Fund)", should be mentioned that the NFA won final court lawsuit against the Orthodox Church, for 166.813 ha of forest."	Country	Low risk
Conclusion on Indicator 2.3: There are no indigenous peoples and no traditional peoples in Romania. **Therefore the following 'low risk' thresholds apply:** (16) There is no evidence leading to a conclusion of presence of indigenous and/or traditional peoples in the area under assessment; AND (21) Other available evidence do not challenge 'low risk' designation.		Country	Low risk

Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

The Romanian Forest Code considers a forest by this definition: presence of trees that will reach minimum 5 m in height at maturity with a minimum canopy cover (K) of 0.4 over a minimum area of 0.25 ha. The forest vegetation outside the forest fund (see category 1 overview for definition) includes forest vegetation areas with less with K < 0.4. The Romanian forest vegetation is composed of 7,046,056 ha of forest (29.6 % of the country's land area), 649,658 ha of trees outside the forest fund (which are considered all forested: lands for afforestation, lands for silvicultural administration, water bodies in the forests, included in forest management plans in 1990, with further modifications, regardless of the ownership type (Forest Code 2008, art. 1) and (National Forest Inventory www.roifn.ro)) and 101,953 ha of forest vegetation lies outside the forest fund. The distribution of forest vegetation is differentiated across the country with the highest percentage being located in the mountainous area. The ecoregions that are found in Romania are: Carpathian Mountain Forests, Balkan Mixed Forests, Central European Mixed Forests and East European Forest Steppe.

The nature protection system includes one biosphere reserve, 12 National Parks, 13 Natural Parks, 916 natural reserves, 383 Sites of Community Importance (SCI) and 148 Special Protection Areas (SPA). All forest areas have to be under the administration of state or private Forest Management Enterprises (FME), regardless of the fact that certain areas are delineated as protected areas. The custody of protected areas focuses on conservation objectives, e.g., protection of species, landscapes etc. and not to the administration of the resources (forests, pastures etc.). The national and natural parks have a distinct administration (National forest administration, County council)), while the custody of other reservations, SCI or SPA are assigned by auctions (Highest bidder means maximum score achieved based on technical criteria: Experts, technical equipment, experience, etc.). The auction is organized by the Environmental Protection Agency and the custody can be assigned to private or state forest management enterprises, environmental NGOs, research or educational institutions or existing park administrations. The protected areas database of the Ministry of Environment, Water and Forests has 691 protected sites, some of them overlapping with the aforementioned protected areas for which the custody was auctioned (http://www.mmediu.ro/). There is an ongoing effort on drafting management plans for the national parks and other Natura 2000 sites. The drafted plans are in different stages of approval by different institutions of the state (http://www.mmediu.ro/articol/baza-de-date-privind-ariile-naturale-protejate-si-aprobarea-planurilor-de-management-ale-acestora/1664). The parks and Natura 2000 sites overlap with and contain in most of the cases strictly protected natural reserves which can be located both in forests and in other types of land ecosystems. Timber sourcing is permitted on the areas of the sites that are not included in the strictly protected areas However, any harvest in the park or Natura 2000 site has to be preapproved by the local environmental agencies or park administrations based on the internal zoning system of the park in question or Natura 2000.

For the purpose of this risk assessment, "protected areas" means: National Parks, Natural Parks, and Natura 2000 sites.

Romania has a forest functional zoning system that was implemented in 1954 (Government Decision 114/1954) and improved since. According to this system, all forests are divided in:

Group I – Forests with high importance protective function (53.3 % of the total forest area in 2000)

- Subgroup I – Protection of water sources
- Subgroup II – Protection against soil erosion

- Subgroup III – Protection against climatic and industrial factors
- Subgroup IV – Recreational forests
- Subgroup V – Scientific reserves; Protection of genetic and ecological reserves

Group II – Forests with protective and production function
These groups are further divided into 60 functional categories under two main Functional Groups (57 in Group I and 3 in Group II). At present, most of the HCVFs identified in Romania are included within the first functional group of forests. Under these functional categories of forests, the Romanian Forestry Regime defines six different management types, related to the intensity of the protective function restrictions:

- Functional Group I:
  - Type I – total exclusion of intervention (with extraordinary exception given by the Commission for Natural Monuments Preservation, within the Romanian Academy (http://www.acad.ro/comisiiAR/comisii_CMN.htm), and only for sanitary cuts in high intensity infestation)
  - Type II – conservation cuts – less than 10 % of the standing volume per decade
  - Type III and Type IV – single tree selection system or shelter wood system to ensure the continuity of the protective functions
- Functional Group II:
  - Type V – production of high quality assortments, with appropriate silvicultural systems
  - Type VI – production of sawn logs and other assortments (including wood for local construction needs), with a wide range of silvicultural systems applied.

The functional system is applicable regardless of the ownership type and the scale of forestry. The private forest owners or private associations are entitled, by law (Forest code, art. 97), to compensation from the state budget for the reduced income resulted from the application of forest protection policy. However, the methodology for computing the compensation is not yet defined. This creates a pressure on the nature reserves and protection forests and increases the risks for illegal logging, as the incentive to harvest timber has not properly been addressed (see Category 1, indicator 1.9 for more details). Steps towards the drafting of the methodology were made through a pilot project in the Muntii Maramuresului Natural Park (http://www.wwf.ro/ce_facem/arii_protejate/solidaron/); however, a functioning compensation system is not yet in place. Also, another source of risk is related to the fact that publicly owned forests are not entitled to compensation at all for not being allowed to harvest in protected areas. This applies to the state forest managed by the National Forest Administration (RNP-Romsilva), but also applies to local community forest, which is managed by autonomous forest districts subordinated to the relevant local mayor's office.

The biodiversity levels in Romania are high in terms of richness in species of plants and animals and abundance (CBD report, 2014). According to the CBD report (2014), 3795 species and subspecies of vascular plants are present in Romania, 5 species are extinct, 250 species are critically endangered, and 157 species are vulnerable. There are also 33,802 species of animals in which 33085 invertebrates and 717 vertebrates. Among vertebrates, there were identified 191 species of fish (9 endangered species), 20 species of amphibians (9 endangered species), 30 species of reptiles (6 endangered species), 364 species of birds (including 312 migratory species) and 102 species of mammals.

	Material Source Characteristics					
Area under Assessment	**Forest type**	**Legal Land Classification** (the classification of the land such as permanent forest reserve, farm land, protected area classes etc.)	**Ownership** & scale of operations	**Management regime** (indication of different types of forest or tree management rights such as, private, communal, state, provincial government etc.)	**Other** (e.g., commercial tree species)	**Description of Material Source Type** (based on an evaluation of the different attributes evaluated assign a suitable name for different types of timber/NTFP material sources with similar risks)
				State/National Forest Administration		
				Municipality/Private or state Forest districts		
				Individual private owners/Private or state forest districts		
				Local communities /Private or state forest districts		
				State/National Forest Administration		
				Municipality/Private or state Forest districts		
				Individual private owners/Private or state forest districts		
				Private or state forest districts		
				State/National Forest Administration		
				Municipality/Private or state Forest districts		
				Individual private owners/Private or state forest districts		
				Local community/Private or state forest districts		

		Production forests (Type III-VI) outside protected areas	Public	State/National Forest Administration	Production of regular and special assortments, respecting harvesting age and natural forest type	Production forests outside protected area
				Municipality/Private or state Forest districts		
				Individual private owners/Private or state forest districts		
				Local community/Private or state forest districts		
				State/National Forest Administration		
				Municipality/Private or state Forest districts		
				Individual private owners/Private or state forest districts		
				Local community/Private or state forest districts		
	Plantation	Production forests (Type III-VI)	Private	Individual management	Short term rotation plantations of hybrid poplars, willow, black locust etc.	Private plantations for biomass
	Forested pastures	Pastures with canopy cover <0.4	Private or state (municipality)	Individual/local community	Occasional harvest. Natural extension of forest vegetation on pastures	Forested pastures

*Conservation forest and production forest inside protected areas was introduced as Legal land classification just for an easier designation of the risk. This forest area overlaps with the Forest types I-II-III-IV-V-VI). Protected areas means: National Parks, Natural Parks, Natura 2000 sites.

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1.	Nichiforel Liviu	Stefan cel Mare University, Suceava	1, 2, 3, 4, 5, 6
2.	Duduman Gabriel	Stefan cel Mare University, Suceava	1, 2, 3, 4
3.	Laura Bouriaud	Stefan cel Mare University, Suceava	5

4.	Marian Dragoi	Stefan cel Mare University, Suceava	1, 2, 3, 4, 5
5.	Sebastian Constantin	WWF Romania	1, 2, 3, 4, 5, 6
6.	Crisanta Lungu	Greenpeace Romania	1, 2, 3
7.	Ionut Apostol	Greenpeace Romania	1, 2, 3
8.	Valentin Salagean	Greenpeace Romania	1, 2, 3
9.	Popa Razvan	Fundatia ADEPT	1, 3

Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.0	1,2,3,4,5,6	**HCV Occurrence** The identification and mapping of HCVs in Romania, as an integrated activity has been performed almost entirely in certified forests. The basis for identification and mapping is the revised form of HCVF toolkit adaptation for Romania, (Vlad et al., 2013). The toolkit presents an identification and assessment strategy as well as management measures designed to maintain the conservation value. Most of the HCVs have equivalent categories in the functional zoning system in Romania, as described above. Primarily based on the HCVF toolkit for Romania the types of HCV present, or potentially present, in Romania are: HCV1: Protected areas (GIS layer from Ministry of Environment, Water and Forests, Natura 2000 boundary database) Rare, threatened, endangered or endemic species habitats (Natura 2000 management plans, IUCN Redlist forest management plans, scientific studies, expert consultation) Forests with critical seasonal use (Forest management plans, scientific studies, Natura 2000 management plans, expert consultation) HCV2: Intact forests landscapes (Scientific studies, http://www.intactforests.org/) HCV3: Forests that include rare, threatened or endangered ecosystems, (Forest management plans, scientific studies, expert consultation) Natural forest ecosystems with a high compositional and structural complexity (Forest management plans, scientific studies, expert consultation) Forests with primary structure (PINMATRA layer from Ministry of Environment, Water and Forests, The Catalogue of Virgin and QuasiVirgine Forests)	Romania	**'Low risk'** (Threshold (1) is met: Data available are sufficient for determination HCV presence within the area under assessment; AND (2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.)

		HCV4. Forest critical to water sources (Forest management plans, HCVF Toolkit) Forests critical to erosion control (Forest management plans, HCVF Toolkit) Forests critical to agricultural lands and air quality (Forest management plans, HCVF Toolkit) HCV5 Forests essential for providing the basic needs of firewood for local communities (HCVF Toolkit) HCV6 (based on HCVF Toolkit): Forests surrounding cultural and historical monuments (List of historical monuments from the Ministry of Culture, forest management plans) Recreational forests (forest management plans) Forests that are part of myths and cultural tradition The studies for identifying all high conservation value areas in the field are still ongoing, as there is no national level assessment. The start point of the HCV assessments is the forest management plans and functional zoning system. This is further corroborated with the national database of protected areas (parks, reservations, NATURA 2000 sites), with the list of rare, threatened and endangered species in the annexes of the HCVF Toolkit for Romania and with other scientific literature on types of habitats (Donita et al., 2005). In punctual cases, there are national level initiatives which take into account only subcategories of the HCVs (The Catalogue of Virgin Forests). **Threats & Safeguards identification and evaluation** Even though the Romanian forest legislation system is highly regulatory, the HCV maintenance and monitoring is not explicitly stated. The FSC certification process was established on approx. 35% of the total forest area. The analysis of the non-compliances in the audit reports showed a percentage of 31.4% of 154 nonconformities recorded were issued in relation to the HCVs (Halalisan, 2014). Examples of these nonconformities include insufficient or inaccurate inventory of HCV, inadequate stakeholder consultation on the identification of HCVs and proposed measures, insufficient measures to maintain or enhance the HCV (Halalisan, 2015). The general distribution maps of certain HCV types (HCV1.1, HCV2 HCV3, HCV4) records certain overlays with the areas considered as having a high risk for illegal logging, as described in indicator 1.9 of this risk assessment – Legality, protected sites and species (http://www.certificareforestiera.ro/).		

		Thus, there is sufficient information available to identify the relevant HCVs for Romania. The risks for HCVs are identified through The HCVF toolkit for Romania, field analysis, stakeholder consultation, scientific and NGO reports. The sources identified are considered sufficient to identify HCVs and related risks.		
3.1 HCV 1	4, 5, 25, 35, 37, 38	**Occurrence** Protected areas occurrence in Romania is documented. According to HCVF toolkit for Romania, all strictly protected forest have biodiversity conservation as a constituting objective (HCVF1.1) (Vlad et al., 2013). As for rare, threatened, endemic and endangered species, the HCVF toolkit provides an extensive list of plant species and their spatial distribution, as resulted from previous botanical studies. The identification and mapping of RTE is not a task commonly included in the job description of field personnel of the FME, except for the cases where steps towards certification have been taken or in the case that the area is under a Natura 2000 site with drafted management plans. The forests areas with critical seasonal use are identified through the animal species that fall into this category. In case of commonly known animals (especially large mammals), there is a conservation plan and occurrence data and habitats which can be found in the management plan for protected areas. Regular forest management planning includes few functional categories with the function to preserve rare, threatened or endangered species, including bear, chamois, capercaillie, etc. The habitats of lesser known rare or endangered species are not generally identified and mapped, except for the studies done for certification purposes or other local or regional studies (Natura 2000 management plans). The methodology for approving timber harvests in Parks or Natura 2000 sites includes notification of the custodian who will assess whether the requirements of the management plans are met or not by the type of harvest proposed. HCV1 occurrence is not applicable in biomass plantations as HCV1 is unlikely to be present because such plantations are established on former agriculture land in areas without biodiversity conservation purposes. **Threats & Safeguards identification and evaluation** Protected areas from all types of forest (SCI, SPA and parks) have a low risk of habitat removal/fragmentation and introduction of alien/invasive species, since it is well identified and can be verified through a GIS layer – containing all forest reserves	Strictly protected forests Conservation forest inside protected areas Conservation forest outside protected areas Production forest inside protected areas Production forest outside protected areas Forested pastures Private plantation for biomass	**‘Low risk’** Strictly protected forest Forest inside protected areas (Threshold (7) is met: HCV 1 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats from management activities.) Private plantations for biomass (Threshold (5) is met: There is no HCV 1 identified in the area under assessment and its occurrence is unlikely.) **‘Specified Risk’** Conservation forest outside protected areas Production forest (all other material source types) outside protected areas Pastures with canopy cover <0.4 (forested pastures) with or without forest management plan

		provided by the Ministry of Environment, Water and Forests (http://ibis.biodiversity.ro/). The Management plans are generally considered well implemented in protected areas and HCV1 are considered to be protected. A certain threat may arise from the lack of valid management plans that are in the process of being approved by the Ministry of Environment, Water and Forests and the inclusion of special management measures in the forest management plan of the protected areas but overall there is not a significant level of risk for this type of forests, included under type I of functional categories – Forests excluded from any intervention. In Romania, the forest functional zoning system includes several functional categories with the function to preserve rare, threatened or endangered species, including bear, chamois, capercaillie etc. There are cases in which the functional zoning of forests is not sufficiently detailed for the establishment of proper management measures for areas included under RTE and critical seasonal use- (Technical Regulations no. 5/2000). The risks to HCV 1 connected to habitat fragmentation, loss and invasive species are found especially in the cases of lesser known rare, threatened, endemic or endangered species of plants and animals and based on general observation, corroborated by expert review of this HCV CNRA.' this is considered to be related to the low awareness level of field personnel in the forest administration regarding the species mentioned in the Romanian HCVF toolkit (point of view of stakeholders and specialists consulted). There is no requirement of systematic identification of HCVs in the management plans of production forests and the HCVs cannot be considered sufficiently protected. The Fifth National Report of CBD (Convention for Biological Diversity) for Romania mentions significant progress in the biodiversity conservation status reached in the last five years – reintroduction of extinct species of animals, expansion of Natura 2000 network and improving its management, national assessment of conservation status of species and habitats of European Union interest. This indicates that forests inside protected areas would experience similar progress. The national system for protected areas management includes sufficient measures in the management plans of Natura 2000 sites, parks and reservations. These measures are included after expert and public consultations and reduce the risk of affecting HCV1 by management activities. The risk of HCV 1 values threatened by forest management activities remains specified for the areas with forest vegetation (including forested pastures) that are not included in the system for Protected Areas.		(Threshold (8) is met: HCV 1 is identified and/or its occurrence is likely in the area under assessment, and it is threatened by management activities)

3.2 HCV 2	7, 8, 9, 10, 11, 36	**Occurrence** The criteria for HCV2 area in the Romanian High Conservation Value Forests Toolkit include: the presence of a forest landscape with areas larger than 50,000 ha, of which at least 35,000 ha are forests and from the total forest area, minimum 5,000 ha forest ecosystems have a primary structure and is not fragmented by infrastructure (36). Based on the consultations with WWF and Greenpeace, these thresholds are not met by forest areas in Romania, since the forests are fragmented by localities and road infrastructure; and the areas occupied by forests with confirmed primary structure do not cover a core area of more than 5000 hectares.	Romania	**'Low risk'** (Threshold (9) is met: There is no HCV 2 identified and its occurrence is unlikely in the area under assessment.)
3.3 HCV 3	4, 12, 13, 14, 15, 16, 34, 37, 38	**Occurrence** HCV 3 occurrence in Romania is one of the highest in Europe, as mentioned in the literature (Giurgiu et al., 2001, Biris et al., 2001). The HCV toolkit provides a list of equivalences between forest types (recorded in the forest management plan stand description) and rare or threatened ecosystems. This represents a basis for identifying potential HCV 3, as long as the forest type inventory is done properly and based on a thorough site condition analysis. Such an inventory is contained in the management plan for protected areas and can be used as a proxy for identifying RTE ecosystems. A specific case is the identification of the primary (old growth) forests in Romania conducted at national level for the first time within the project PIN-MATRA. The project resulted in a GIS layer, available online at http://www.mmediu.ro/categorie/paduri/25. The PIN-MATRA layer was included in a re-evaluation process within a project coordinated by WWF Romania. The criteria for primary forests identification have been included in the Ministerial Order no. 3397/2012 and are mandatory for any forest management plan to include them as strictly protected areas. The ministerial Order 1417/2016 created the basis for the inclusion of forests with primary structure in the National Catalogue of Virgine and Quasivirgine Forests in Romania, according to the details specified in the OM 3397/2012. The start point for the verification and inclusion of these forests is the PIN-MATRA layer, but is not restricted to this data set (any other forest area that meets the criteria can be included in the catalogue by authorized specialists). Once included in the Catalogue, the forest areas are included in type I of functional categories – total exclusion from any intervention.	Strictly protected forests Conservation forest inside protected areas Conservation forest outside protected areas Production forest inside protected areas Production forest outside protected areas Forested pastures Private plantation for biomass	**'Low risk'** Strictly protected forests Conservation and Production forests inside protected areas (Threshold (14) is met: HCV 3 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities) Private plantations for biomass (Threshold (23) is met: There is no HCV 3 identified and its occurrence is unlikely in the area under assessment) **'Specified Risk'**

		HCV3 values do not occur in biomass plantations in Romania thus HCV 3 are not applicable for this material source type because such plantations are established on former agriculture land in areas without biodiversity conservation purposes. **Threats & Safeguards identification and evaluation** For the case of RTE identified in the FMP – an assessment by specialist of the management measures required is needed, as in many cases there is little awareness on the conservation status needed in such cases (e.g. Forests of Alnus incana, Alnus glutinosa, Populus nigra on river banks). The HCVF Toolkit for Romania (Vlad et al., 2013, eng.) includes in Annex 4 (HCV 3 Rare and endangered ecosystems), the list of forest types and the codes used in the description of compartments in the forest management plan and the equivalence with the habitat codes (Habitat Codes acc. EU 27). In some cases, the identification of a forest type is not accurately done. The forest compartment system sets a threshold for compartment sizes of 0.5 ha. This can lead to some marginal ecosystems being included in the compartment under the dominant compartment stands, and thus can exclude those particular areas from the list of potential HCV3. The forest management of these areas, especially in bottom of valleys, could represent a threat of habitat removal/fragmentation/damage due to low awareness levels from FME personnel and forest management planners regarding the importance of such ecosystems. The protected areas management plans of parks and Natura 2000 sites include lists of RTE ecosystems, their location, equivalence to forest types and management measures. The forest management plans of the areas included in the mentioned sites have to be updated to these requirements within one year from the approval of the protected areas management plan. This measure reduces the threat to this HCV in national, natural parks and Natura 2000 sites, as long as they have an approved management plan and an updated forest management plan for the forest areas included. The old growth forests with primary structure, as defined by the OM 3397/2012 and by HCVF Toolkit for Romania, are excluded from any intervention, except in cases of very high infestation and only with the approval of the Commission for Natural Monuments Preservation, within the Romanian Academy (http://www.acad.ro/comisiiAR/comisii_CMN.htm). The polygons in the existing national database (GIS layer available online at http://www.mmediu.ro/categorie/paduri/25), developed within the PINMATRA project are mandatory to be integrated in any new forest management plan as areas excluded from any intervention (OM 3397/2012). Within the last years, the PINMATRA GIS database is under revision by WWF Romania,		Conservation forest outside protected areas Production forest outside protected areas Forested pastures Threshold (13) is met: HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities;

		with the objective to verify these areas, as well as other potential areas of old growth forests against the criteria from OM 3397/2012. Until the finalization of this process, additional areas of old growth forests (other than PINMATRA) can be subjected to silvicultural cuts, as it is not yet identified as such and included in the corresponding functional categories (type I – exclusion from intervention). The verification of the harvesting plan is done only in the case of primary harvests and accidental cuts (by the Forest Guard) and not in the case of thinning or conservation cuts. This could lead to forest management interventions that would significantly affect the structure of such forests. Aside from management operations, the old growth forests could be subjected to illegal logging, as previous assessments done by WWF Romania (map of illegal logging risk - http://www.mmediu.ro/categorie/paduri/25) show overlaps between primary forests and the illegal logging risk areas (See also Category 1, 1.9). The Aichi targets is analyzed in the CBD report (2014). The main positive aspects mentioned are the widespread protection areas within the Natura 2000 network, the increased funding for biodiversity preservation accessed in the last years, and the increased awareness for biodiversity preservation issues. Target 11(percentage of land that is conserved through special measure), is achieved in Romania since the total area included in Natura 2000 sites represents approx. 24% of the total territory of Romania and 45% is located in forest areas (as presented in the GIS databases from the Ministry of Environment, Water and Forests (http://www.mmediu.ro/articol/date-gis/434). Important gaps in achieving the targets are related to: Target 7 sustainable managements of agricultural, forestry and aquaculture areas (in the case of forestry, there are still issues of watershed management, landslide mitigation, unsustainable management practices) In case of protected areas included in parks and Natura 2000 sites, around 90% of them have an approved protected area management plan (as presented in the list available on the site of the Ministry of Environment, Water and Forests, dated 8th of August 2016). In the absence of a valid management plan for the protected area, the custodian of the site has only the standard form for Natura 2000 sites that includes the list of RTE species and ecosystems, with very few management measures for conservation.		
3.4 HCV 4	4, 6, 17, 18, 30	**Occurrence** The category 4 of HCV is well represented in Romania. The functional zoning system used in forest management planning (Technical regulation 5/2000) separates distinctly	Romania	**'Low risk'** (Threshold (21) is met: HCV 4 is identified and/or its

		the forests with ecosystem protective functions falling under group 1, corresponding to HCV 4: HCV4.1 – Functional subgroup I.1 Forests Protecting Water Sources HCV4.2 - Forests for soil protection and erosion mitigation HCV4.3 - Forests for protection against climatic and industrial threats The identification and mapping of these forests is done within the forest management plans and are further corroborated with hydrological, geological, agricultural and soil erosion maps. **Threats & Safeguards identification and evaluation** The forest management plans include special measures for each type of functional category that is related to HCV4. The restrictions to the appliance of silvicultural measures refer both to regeneration cuts and thinning (Technical regulations no. 5/2000). There are certain functional categories that restrict the application of commercial thinning or require low intensity thinning (especially in cases of high slopes, geology vulnerable to erosion or water sources of high importance). The identification system is applied for almost 60 years (since 1954) and there is a high level of awareness among forestry specialists about these conservation values. Most of the functional categories that are included in these subgroups are treated as conservation areas, included in Type II of management, which only allows max. 10 % of standing stock to be harvested during a decade, only for regeneration and maintenance purposes (Technical regulations no. 5). Certain functional categories are included in functional type III and IV, which require single tree selection or shelterwood systems with long regeneration periods and restrictions regarding the spatial distribution of the cuts. The overall opinion of the experts consulted, the working group and stakeholders was that the forest areas where HCV4 is present are properly mapped during the forest management plans drafting and sufficient maintenance measures are set. The change of the functional category of a sub-compartment is very uncommon and can only be done with detailed justification. The harvest plan is drafted in lines with the functional category frame and implemented throughout the entire duration of the management plan (10 years). The monitoring of the implementation of the forest management plan is done during the validity period by the Forest Guard and at the drafting of the next FMP by the forest management planning team. Overall the level of safeguards and compliance with them connected to HCV 4 values are good. Thus, the risk from forest management activities to threatening HCV 4 values is considered low.		occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.)

3.5 HCV 5	4, 6, 19, 20, 21, 22, 23, 24, 31	**Occurrence** The HCVF toolkit for Romania established the criteria for identifying and mapping of HCV 5 as fundamental for satisfying the basic needs of the communities. The common basic needs identified in the HCVF toolkit for Romania included wood for energy (heating and cooking), construction and craftsmanship. The method suggested for identification of HCV 5 values within a forest area is public consultation of local communities and socio-economic studies done in the area. As Romania has several regions with rural population below the poverty line, especially in remote or isolated areas, in the Danube Delta or in mountain regions, the use of local resources becomes very important (Rural poverty portal, http://www.ruralpovertyportal.org/country/home/tags/romania) as they are fundamental for the livelihood of these communities. It is difficult to establish a clear threshold between fundamental dependence on forest resources (grounds for identifying HCV5) for satisfying the basic necessities of local communities and cases where forest products are just an alternative income to subsistence. However, as the HCV toolkit states, the situations where communities are strictly dependent on the forest are very rare. **Threats & Safeguards identification and evaluation** The policy of National Forest Administration and certain private Forest management Enterprises (FMEs) (mostly managing community forests) is to provide limited quantities of firewood and even construction wood at prices lower than the free market. This timber is not harvested from certain compact areas, but it represents wood from common harvests that do not have industrial use. The modifications of the wood sale regulations (Gov. decision 617/2016) could lead to a gap in fire wood provision for local population, as the National Forest Administration will be able to harvest by itself only 15% of the total allowable cut in the forests administered in 2017 and a maximum of 20% for 2018 according to art. 3 paragraph (3) of GD no. 617/2016 (art. 3 paragraph 3). This can potentially lead to a risk of the communities not being able to cover their need for firewood through legal sources of timber. Furthermore, the timber harvest by the National Forest Administration (which can be used also for firewood provisioning) will not be in all forest districts under the management of NFA, which can lead to restricted access to firewood for certain isolated communities. As these communities do not have access to electricity or gas line, the only possibility for heating remains firewood. The consumption of fire wood per winter is quite high, since these localities are in mountainous regions, with very low temperatures in the cold season.	Strictly protected forests Conservation forest outside protected areas and inside protected areas Production forest outside protected areas and inside protected areas Private Plantations for biomass Forested pastures	**‘Low risk’** Strictly protected forests Private plantations for biomass Forested pastures. (Threshold (23) is met: There is no HCV 5 identified and its occurrence is unlikely in the area under assessment.) **‘Specified risk’** Conservation forest outside protected areas and inside protected areas Production forest outside protected areas and inside protected areas (Threshold (26) is met: HCV 5 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities.)

		This way there is no guarantee that the wood materials (coming from forests that the local community is dependent on ensuring those basic needs – HCV5) can be even theoretically allocated for local communities. Legislation is no longer ensuring that HCV 5 can be properly managed (as the firewood sourcing areas are chosen randomly from the harvest site). Due to the regulation procedure there is already a real crisis on firewood in rural communities – largely reflected by media and civil society (39, 40). Biomass plantations are established in accessible areas and are not related to occurrence of HCV 5 For forests surrounding isolated communities, with no other access to firewood, the risk is considered specified.		
3.6 HCV 6	25, 26, 27, 28, 29	**Occurrence** The Romanian functional zoning system included in the technical regulation no. 5/2000 (Technical regulations for forest management planning) includes functional categories of forests with protective functions related to the cultural values in the area. The cultural values taken into account are historical or cultural monuments (1.4.e) as well as the aesthetic function (1.5.e). The forests in the category 1.4.e are included in functional type II (conservation cuttings) and forests with aesthetic functions are in functional type I (excluded from intervention). The list of historical monuments in each county of Romania can be found on the website of the Ministry of Culture (http://cultura.ro/page/17). There are also mentions of forests that are mentioned in literary works and should be included as HCV 6. Other potential types of values mentioned are pilgrimages and hermitages sites, that could be identified through local stakeholder consultation. **Threats & Safeguards identification and evaluation** The management of forests located near cultural, historical, religious or recreational areas are not always included in the proper functional categories during management planning. This can lead to the application of high intensity harvests that affect the conservation values of these forests. For example, the media mentions cases of disputes related to HCV 6, in cases of monasteries or recreational forests. In the case of Manastirea Varzaresti, Vrancea, a regeneration cut very close to the monastery is considered to be affecting the cultural values of the pilgrimage site (28). In another case, the citizens of Tarna Mare, Satu Mare County, have protested against the cutting of a	Strictly protected forests Conservation forest inside protected areas Conservation forest outside protected areas Production forest inside protected areas Production forest outside protected areas Forested pastures Private plantation for biomass	**'Low risk'** Strictly protected forests Conservation forest inside and outside protected areas (Threshold (29) is met: HCV 6 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.) Private plantations for biomass (Threshold (27) is met: There is no HCV 6 identified and its occurrence is unlikely in the area under assessment.) **'Specified risk'** Production forest inside and outside protected areas

		forest with aesthetic function located near the Tarna Bai, in an area that is planned for the development of a recreational site (32). The management of these forests is not practically threatened when they are included in type I or II of functional categories. In the rest of the functional types, an evaluation of the presence of cultural, historical or religious places shall be performed in the sourcing area, followed by consultation of the local communities in relation to any other presence of recreational or other type of cultural values close to the supply area. Thus, the risk is considered specified for forest management areas not classified under Type I or II of the functional categories. Biomass plantations are established in areas without restrictions to ensure the applicability of the management activities.		Forested pastures (Threshold (30) is met: HCV 6 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities.)

Recommended control measures

Indicator	Recommended control measures
3.0	
3.1 HCV 1	Country Specific • RTE and critical concentrations of species should be identified in the field by scientific experts. • Harvesting does not take place where species concentrations are likely to and/or specific measures that are designed to protect the HCV value is applied as appropriate. • Tree species protected under the HCV category 1 according to the HCV toolkit are not harvested. • Evidence, where RTE species are known to occur, should be provided that forest management activities have been adapted to incorporate the scientific requirements for the protection of HCV 1 provided in Annex 1 of the HCV Guidelines (as demonstrated by forest management plans and/or independent 3rd party audits). • Inventory data for RTE must be available in the Forest Management Unit or to the environmental authorities, as well as the measures taken for protection of HCV 1 (incl. the management plans of protected areas), and checks must be undertaken that the planned forest activities are in compliance with the protection measures included in the forest management plans and/or independent third party audits. • Forest management plans that contain the requirements of management plans for Natura 2000 sites and national parks. http://natura2000.eea.europa.eu/# can be used to identify Natura 2000 areas • Presentation of environmental authorization • Presentation of environmental approval (for every harvesting site) • Starting the harvesting process after obtaining the environmental approval/authorization • Additional field verifications that addresses compliance with the measures imposed by environmental approval/authorization. • Expert consultation for the identification and validation of HCV1and establishment of control measures mentioned in HCVF Toolkit for Romania: For Rare, threatened or endangered species: I. In case of forest based species: The applied forestry work will meet the ecological requirements of the species that need to be preserved (especially humidity and light) and will be determined after consultations with biologists. In addition, they will ensure the habitat continuity in that location, either in the same or in the neighbouring forest stand, given that the forest ecosystem has a cyclic evolution, the young stages of development are characterized by the natural lack of grass because of the shadowing effect – i.e. the exaggerate density of sapling/young trees produces an excessive competition for all resources - light, water, nutrients. Logging shall be carried out outside the growing season of species in order to ensure their reproduction and perpetuation.

	Wood extraction will be made with the minimum negative impact on the ground in order to avoid damaging roots and underground reproductive organs (rhizomes, bulbs). II. In case of species from ecosystems that are bordering the forest: No works will be carried out that would radically change the species habitat (i.e. drainages, plantations, substitutions etc.). In order to ensure species reproduction and perpetuation, logging activities in the forest areas neighbouring these ecosystems shall take place outside the growing season of the species. In particular, wood felling and extraction shall avoid areas (ecosystems) where populations of the species to protect are found. - Where this is not possible, the work will be carried out only in the dormant season (preferably when the ground is icy and/or snow-covered) in order to avoid damaging the plants and to minimize the damage to the soil and, implicitly to the roots and underground reproductive organs – i.e. rhizomes, bulbs. For areas of critical seasonal use: - In principle, forest management must ensure quietness during critical periods in those areas where particular concentrations of species listed in the Annex were identified. - Also, the proposed management measures aim to create an ecological succession that will ensure the continuity of forest vegetation and the conservation of forest structures enabling them to perform their functions. - Detailed management recommendations will be implemented from case to case, depending on specific ecological needs and based on public consultation with participation of relevant experts. For areas that are part of protected areas, the conservation of species will be done according to their management plan. Generic**:** It is important to remember that the appropriate way to maintain or enhance each value will depend on the value itself. There are a variety of possible options to maintain or enhance various HCVs, which include: • Conservation set-asides (e.g. appropriately designed protected areas, buffer zones, habitat corridors) • Reduced impact harvesting operations (e.g. reduced impact logging techniques or continuous cover forestry) • Infrastructure planning (e.g. improved road building) • Scheduling of operations (e.g. planning logging coupe schedules to benefit wildlife) • Control of hunting and fishing (e.g. managing access and methods, providing affordable protein alternatives) • Community development and livelihoods projects (e.g. employment and healthcare) • Local government and NGO support (e.g. extending or renewing leases, preventing inappropriate development, supporting company conservation initiatives).
3.2 HCV 2	Not applicable
3.3 HCV 3	Country Specific • Material shall not originate from areas where HCVs are present, unless specific measures that are designed to protect the HCV inherent in the ecosystem (e.g. logging in areas of rare, threatened or endangered ecosystems is designed to protect the extent and values of these ecosystems) are in place.• Expert consultation on the issues of rare, threatened or endangered ecosystem identification and mapping • A Forest management plan that integrate the polygons of PINMATRA or other forest reserves as areas of strict protection • Adapting the management according to the recommendation of the toolkit in case of identified RTE in the Forest management plans • Periodic consultation of the published version of the National Catalogue of Virgine and Quasi-virgine forests in Romania (www.mmediu.ro) For Old Growth Forest: • Check if they are officially registered as potential OGF (e.g. PINMATRA Study); • If they are included in such Studies, harvesting is allowed only if the VED is specifically approved by Forest Guard (certifying that the forest does not meet the OGF identification criteria); • The special approval from the Forest Guard is not needed for forest operation: reforestation, clearing and thinning (considering that criteria are not meet for such areas). For RTE forest habitats: • Presentation of a valid environmental authorization; • Presentation of a valid environmental approval (for every harvesting site);

	• Starting the harvesting process after obtaining the environmental approval/authorization; • Additional field verifications that addresses compliance with the measures imposed by environmental approval/authorization. Generic: It is important to remember that the appropriate way to maintain or enhance each value will depend on the value itself. There are a variety of possible options to maintain or enhance various HCVs, which include: • Conservation set-asides (e.g. appropriately designed protected areas, buffer zones, habitat corridors) • Reduced impact harvesting operations (e.g. reduced impact logging techniques or continuous cover forestry) • Infrastructure planning (e.g. improved road building) • Scheduling of operations (e.g. planning logging coupe schedules to benefit wildlife) • Control of hunting and fishing (e.g. managing access and methods, providing affordable protein alternatives) • Community development and livelihoods projects (e.g. employment and healthcare) • Local government and NGO support (e.g. extending or renewing leases, preventing inappropriate development, supporting company conservation initiatives).
3.4 HCV 4	Not Applicable
3.5 HCV 5	Country Specific • Material shall not originate from areas where HCVs are present, unless there is evidence that confirms that local communities are engaged, and their requirements are met. • Evidence that forest managers have conducted public consultation on the issue of firewood supply to isolated communities that are dependent on the forest area • Rapid assessment to check if the harvesting place is included in HCV5; • Consultation of local authorities (city/town hall) and local communities for HCV 5 identification; • Only if the harvesting place is included in HCV 5, the company has to ensure the wood materials for basic needs of local communities (following consultations of local communities' representative).
3.6 HCV 6	Country Specific • Material shall not originate from areas where HCVs are present, unless there is evidence that confirms that local communities and Indigenous Peoples are engaged, and their requirements are met. • It shall be verified whether the management plan has taken HCV 6 into account. • Verification of cultural and historical monuments location (The list of historical monuments in each county of Romania can be found on the website of the Ministry of Culture (http://cultura.ro/page/17, http://egispat.inp.org.ro/). Note: the database does not include recreational forests. • If management plan does not take HCV6 into account, public consultation with local communities and relevant representatives of the cultural and social organisations shall prove that there are no HCV6 within the area of the FMU, or that appropriate safeguards have been implemented. Generic: It is important to remember that the appropriate way to maintain or enhance each value will depend on the value itself. There are a variety of possible options to maintain or enhance various HCVs, which include: • Conservation set-asides (e.g. appropriately designed protected areas, buffer zones, habitat corridors) • Local government and NGO support (e.g. extending or renewing leases, preventing inappropriate development, supporting company conservation initiatives).

Information sources

No.	Source of information	Relevant HCV category and indicator
1	Doniţă N., Popescu A., Paucă-Comănescu M., Mihăilescu S., Biriş I.-A., 2005 –Habitatele din România [Habitats of Romania]. Editura Tehnică Silvică, Bucureşti.	Overview

2	Gafta D, Mountford O (2008): Manual de interpretare a habitatelor Natura 2000 din România, Editura RISOPRINT, Cluj-Napoca Ordinance no. 1964/2007 protected area of sites of Community importance as part of the European ecological network Natura 2000 in Romania http://legislatie.just.ro/Public/DetaliiDocument/89382	Overview
3	Halalisan, A.F., 2014, Certificarea managementului forestier şi a lanţului de custodie în România: instrument de piaţă şi mijloc de promovare a gestionării durabile a pădurilor, (Certification of forest management and chain of custody in Romania: a market instrument and a mean to promote sustainable forest management), PhD Thesis, Transilvania University in Brasov	Overview
4	Vlad, R.G., Bucur, C., Turtica, M., (coord.), 2013, A practical guide for the identification and management of high conservation value forests, Editura Green Steps, Brasov, http://certificareforestiera.ro/doc/HCVF%20Toolkit_WWF.pdf	1, 3, 4, 5
5	IORAS F., ABRUDAN I.V., DAUTBASIC, M., AVDIBEGOVIC M., GUREAN, D., RATNASINGAM J. (2009): Conservation Gains through HCVF Assessments in Bosnia – Herzegovina and Romania. Biodiversity and Conservation. Springer Netherlands. Volume 18, Issue 13, pg. 3395-3406.	1
6	Halalisan, A.F., Enescu, R.E., 2015, Procesul de certificare a managementului forestier in Romania [Forest management certification process in Romania], Revista padurilor, vol 130, issue 3-4	4
7	Fratila, E.C. , 2007, Studiu privind inventarierea, cartarea şi elaborarea măsurilor de management durabil al regiunilor cu peisaje forestiere intacte (A study regarding the inventory, mapping and sustainable management of regions with Intact Forest Landscapes), Research	2
8	Report, Institutul de Cercetari si Amenajari Silvice Bucuresti, http://www.tarcu.ro/wp-content/uploads/2013/06/Referat-final-PFI.pdf	2
9	Ministry of Environment, Water and Forests, 2013, Strategia naţională şi Planul de acţiune pentru conservarea biodiversităţii 2014 – 2020 (National strategy and action plan for biodiversity conservation 2014-2020), approved by Gov. decision 1081/2013 http://www.globalforestwatch.org/map/6/45.41/25.51/ALL/grayscale/loss,forestgain/607?tab=analysis-tab&begin=2001-01-01&end=2015-01-01&threshold=30	2
10	Amânare după amânare pentru construcția DN66A (Delay after delay in the construction of DN66A), 2015, http://gazetadedimineata.ro/turism-ecologie/amanare-dupa-amanare-pentru-constructia-dn66a/	2
11	Romania Libera, 6.05.2015, Amenzi pentru tăierile ilegale din Parcul Național Retezat (Penalties for the illegal logging in Retezat National Park)	2
12	Giurgiu, V., Donita, N., Bandiu, C., Radu, S., Cenusa, R., Dissescu, R., Stoiculescu, C., Biris, I.A., Les forêts vierges de Roumanie, Belgique, asbl Forêt wallonne, Croix du sud 2/9, 2001 (ISBN 2-9600251-1-3), http://www.foretwallonne.be/images/stories/librairie/Roumanie150.pdf	3
13	Biris, I.A., Veen, P., 2001, INVENTORY AND STRATEGY FOR SUSTAINABLE MANAGEMENT AND PROTECTION OF VIRGIN FORESTS IN ROMANIA, Extended English summary of the report on PIN-MATRA project, http://www.mmediu.ro/app/webroot/uploads/files/2015-12-22_Virgin_forest_Romania_Summary.PDF	3
14	Ordinul nr. 3397/2012 privind stabilirea criteriilor şi indicatorilor de identificare a pădurilor virgine şi cvasivirgine în România, (Ministerial Order no. 3397/2012 regarding the approving the criteria for the identification of virgin and quasivirgin forests in Romania), http://lege5.ro/Gratuit/gmzdsmrwgi/ordinul-nr-3397-2012-privind-stabilirea-criteriilor-si-indicatorilor-de-identificare-a-padurilor-virgine-si-cvasivirgine-in-romania	3
15	Ordinul 1417/2016 privind constituirea Catalogului 116ational al pădurilor virgine și cvasivirgine din România [Ministerial Order 1417/2016 regarding the establishment of the Catalogue of virgine and quasivirgine forests in Romania] http://legislatie.just.ro/Public/DetaliiDocument/180307	3

16	http://www.wwf.ro/?264550/WWF-organizeaz-astzi-prima-ntlnire-pentru-nfiinarea---Catalogului-Naional-al-Pdurilor-ArticleVirgine-i-Cvasivirgine, News:WWF organizează astăzi prima întâlnire pentru înfiinţarea „Catalogului Naţional al Pădurilor Virgine şi Cvasivirgine” (The first meeting organized by WWF for the establishment of the NationaL Catalogue of Virgin and Cvasivirgin Forests)	3
17	Technical Regulations for forest management plan drafting (No. 5)	4
18	Ministerial Order 1540/2011 regarding the approval of timber harvesting instructions	4
19	Rural Poverty Portal, http://www.ruralpovertyportal.org/country/home/tags/romania	5
20	Forest Code (law 4/2008, republished in 2015)	5
21	Technical regulations no. 5	5
22	Vasile, M. (2006) Obstea today in the Vrancea Mountains, Romania. Self-governing institutions of Forest Commons. Sociologie Românească (Romanian Sociology), vol. 4, 3, 111-130.	5
23	Vasile, M. (2007) The sense of property, deprivation and memory in the case of Obstea Vrânceană. Sociologie Românească (Romanian Sociology), vol. 5, 2, 114-129.	5
24	Vasile, M. (2008a) Nature conservation, conflict and discourses on forest management: communities and protected areas from Meridional Carpathians. Romanian Sociology (Sociologie Românească), 3-4, 87-100	5
25	Technical regulation no. 5/2000 (Technical regulations for forest management planning)	1, 6
26	Ministry of Culture, 2015, List of historical monuments in Romania http://cultura.ro/page/17	6
27	Ministry of Environment, Water and Forests, Map of high risk for illegal logging, (http://www.mmediu.ro/categorie/paduri/25)	6
28	News article: Clearcut Forest. How the Forest Directorate harvests the oak trees in a protected area in Vrancea Sub-Carpathians (Pădure rasă. Cum seceră Direcția Silvică stejarii din aria protejată Subcarpații Vrancei) http://www.romaniacurata.ro/padure-rasa-cum-secera-directia-silvica-stejarii-din-aria-protejata-subcarpatii-vrancei/	6
29	News article: People detained in the case of illegal logging in Buzau – how the forest is emptied with a carriage – 20000 hectares of forest unguarded, Reținеri în cazul tăierilor ilegale de la Buzău. Cum se goleşte pădurea cu căruţa. 20.000 de hectare de pădure fără pază! http://www.romaniacurata.ro/retineri-in-cazul-taierilor-ilegale-de-la-buzau-cum-se-goleste-padurea-cu-caruta-20-000-de-hectare-de-padure-fara-paza/	6
30	Public summaries of FSC forest management certification reports published at info.fsc.org (information on legal areas where non compliances have been identified during the certification process that are likely to be common for non-certified operations);	4
31	Hotararea de Guvern 617/2016 pentru aprobarea Regulamentului de valorificare a masei lemnoase din fondul forestier proprietate publică [Gov. decision 617/2016 regarding the Wood selling regulations for state forests] http://legislatie.just.ro/Public/DetaliiDocument/181443	5
32	Approximately 100 citizens of Tarna Mare have protested against timber harvests in the area Tarna Bai [de locuitori ai comunei Tarna Mare au protestat împotriva tăierii pădurii din zona Tarna Băi] http://www.informatia-zilei.ro/sm/aproximativ-100-de-locuitori-ai-comunei-tarna-mare-au-protestat-impotriva-taierii-padurii-din-zona-tarna-bai/	6

33	Law 95/2016 regarding the constitution of the National Agency for Protected Natural Areas and for modifying the Gov. Decision 57/2007regarding protected areas regime, conservation of natural habitats, wild flora and fauna [Legea nr. 95/2016 privind înfiinţarea Agenţiei Naţionale pentru Arii Naturale Protejate şi pentru modificarea Ordonanţei de urgenţă a Guvernului nr. 57/2007 privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei şi faunei sălbatice] http://legislatie.just.ro/Public/DetaliiDocument/178452	Overview
34	Fifth CBD Report for Romania, https://www.cbd.int/doc/world/ro/ro-nr-05-en.pdf	Overview, 3
35	Ceroni M. Ecosystem services and the local economy in Maramures Mountains Natural Park, Romania. October 2007. Final Report to the United Nations Development Programme, Bucharest.	1
36	High Conservation Value Forests Toolkit: A practical Guide for Romania https://www.hcvnetwork.org/resources/national-hcv-interpretations/Romania%20HCVF%20Toolkit%20Final%20English%20April%202005.pdf	2
37	GIS database with the boundaries of protected areas in Romania, http://www.mmediu.ro/articol/date-gis/434	1,3
38	Natura2000 network viewer: http://natura2000.eea.europa.eu/	1.3
39	http://www.wwf.ro/ce_facem/paduri/combaterea_taierilor_ilegale/criza_lemnului_de_foc_pentru_populaie/	3
40	https://www.timponline.ro/cum-s-a-ajuns-la-criza-lemnului-de-foc-gabriel-stanciu-de-la-app-taiem-prea-putin/	3

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	Forest Code Art 35-39 (Law 46/2008, republished in 2015) Ministerial Order 694/2016 for approval of the Methodology regarding the definitive removal, temporary occupation and land exchange and calculation of financial obligations: http://lege5.ro/App/Document/geytsmrtgy2a/ordinul-nr-694-2016-pentru-aprobarea-metodologiei-privind-scoaterea-definitiva-ocuparea-temporara-si-schimbul-de-terenuri-si-de-calcul-al-obligatiilor-banesti Ministerial order 737/2007 for approving the methodology of preparation, endorsement and approval of necessary documentation for removal from the forest circuit, without payment of fees and other amounts provided for by art. 92 para. (4) of the Land Law no. 18/1991 art. 55, 56 and 58 of Law no. 26/1996 – Forest Code and art. 24 para. (2) the Government Ordinance no. 96/1998 on forestry regime and the administration of the national forest land for the construction of national roads of 02.08.2007. Sources: National Forest Inventory: roifn.ro Global Forest Change: https://earthenginepartners.appspot.com/science-2013-global-forest FAO Global Forest Resources Assessment 2015 Country Report: Romania http://www.fao.org/3/a-az315e.pdf	-	Content of law The Forest Code (Law 46/2008) forbids conversion of forest areas to plantation or other land uses, with certain exceptions, such as the exploitation of natural resources, tourism and recreation, and housing. In any case, the reduction of the area occupied by the national forest fund is strictly forbidden. If land is to be removed from the forest fund, the afforestation of land similar in area and characteristics, payment of taxes for the regeneration fund, payment of the value of tree growth between the cutting age and the planned harvest age are required. Only for reasons of national security is a conversion of a maximum of 400 m2 allowed without the payment of taxes. Permissions for conversion are given by the Public Central Authority for Silviculture, or by the Government (for areas larger then 10ha). Is the law enforced? The applicable legislation is enforced. The national Forest Inventory recorded an increase in the forest fund area from 6.37 million hectares in 1990 to 6.9 million hectare in 2013. The illegal logging mentioned in Category 1 is not initiating land use change, because the areas affected by illegal logging were left to regenerate naturally. Even though certain reports mention deforestation, a longer analysis (Global Forest Change) shows that the areas mapped as “Forest Loss” between 1990 and 2000 are usually mapped as “Forest Gain” in the following decade. The legislation regarding conversion seems to be enforced. There are clear procedures regarding the conversion of forest land and no evidence that these are violated. Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met? No. Spatial assessment There is no information that the level of conversion exceeds 5,000 ha in last 10 years. The report of the Romanian Court of Accounts (2014) mentions 826 ha converted from forest fund for important objectives.

			Furthermore, the FAO Global Forest Resources Assessment 2015 for Romania indicates a slight increase in both categories “forest” and “National Forest Fund” between 2008 and 2012. Risk designation **‘Low Risk’** Threshold (1) is met: Thresholds provided in the indicator are not exceeded. AND Threshold (3) is met: Other available evidence do not challenge a ‘low risk’ designation.

Recommended control measures

N/A

Controlled wood category 5: Wood from forests in which genetically modified trees are planted

Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1	Emergency ordinance 43/2007 regarding the deliberate introduction of GMO into the environment [Ordonanţa de urgenţă nr. 43/2007 privind introducerea deliberată în mediu a organismelor modificate genetic]: http://legislatie.just.ro/Public/DetaliiDocument/83244 Law 247/2009 for approval of EO 43/2007 [Legea nr. 247/2009 pentru aprobarea Ordonanţei de urgenţă a Guvernului nr. 43/2007 privind introducerea deliberată în mediu şi introducerea pe piaţă a organismelor modificate genetic]: http://legislatie.just.ro/Public/DetaliiDocumentAfis/109352 Arc2020, 2015, Romania says Resounding NO to GMOs: http://www.arc2020.eu/2015/10/first-time-18-years-no-romanian-farmer-cultivated-gmos/	-	**'Low risk'** Threshold (2) is met: There is no commercial use of GMO (tree) species in the area under assessment AND (3) Other available evidence does not challenge a 'low risk' designation.

	GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	Yes	**Emergency ordinance 195/2005**, with further modifications – regarding environmental protection, art. 44, 52, 87: http://legislatie.just.ro/Public/DetaliiDocument/67634 **Emergency ordinance 43/2007** regarding the deliberate introduction of GMO into the environment [*Ordonanţa de urgenţă nr. 43/2007 privind introducerea deliberată în mediu a organismelor modificate genetic*]: http://legislatie.just.ro/Public/DetaliiDocument/83244 **Law 247/2009 for approval of EO 43/2007**[*Legea nr. 247/2009 pentru aprobarea Ordonanţei de urgenţă a Guvernului nr. 43/2007 privind introducerea deliberată în mediu şi introducerea pe piaţă a organismelor modificate genetic*]: http://legislatie.just.ro/Public/DetaliiDocumentAfis/109352 **Ministerial Order 1160/2902 from 2010** for approval of the control procedure regarding the import, export and transit of GMO: http://legislatie.just.ro/Public/DetaliiDocument/125378 Government Decision 173 from 2006 regarding the traceability and labelling of GMO Information centre o GMO, http://www.infomg.ro/web/ro/

2	Does applicable legislation for the area under assessment include a ban on commercial use of GMO (trees)?	No	
3	Is there evidence of unauthorised use of GM trees?	No	
4	Is there any commercial use of GM trees in the country or region?	No	
5	Are there any trials of GM trees in the country or region?	Yes. There is a mention of testing a genetically modified plum tree, but only for use in orchards	http://www.timponline.ro/prunul-modificat-genetic-prin-contributia-cercetatorilor-bistriteni-asteapta-unda-verde-pentru-a-fi-cultivat/
6	Are licences required for commercial use of GM trees?	Yes	
7	Are there any licences issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	No	
8	What GM 'species' are used?	N/A	
9	Can it be clearly determined in which MUs the GM trees are used?	N/A	

Recommended control measures

N/A