

Info-brief: EUTR enforcement in Romania

The EU Timber Regulation (EUTR) is implemented in each Member State via national legislation and enforced by national authorities. This means that differences exist in penalty regimes and enforcement practices. It also means that the opportunities for EU (and non-EU) civil society to support enforcement differ. Here we provide key information on the Romanian implementing legislation for the EUTR, as well as top-line information on the enforcement approach in Romania as of January 2017. This document is designed as a first point of reference – not a comprehensive source of information. It will be updated as new information becomes available.

Implementation status

- Implementation by Decision n° 470 of 4 June 2014 which entered into force on 8 October 2014. Amended by Decision 787/2014 of 8 October 2014 and Government Emergency Order No. 51/14.09.2016 of 14 September 2016 (Article 19 in particular, which introduces new penalties, was adopted further to an infringement procedure launched by the European Commission). Rules concerning methodology of checks were adopted in May 2015.
- The Competent Authority (CA) is the *Ministerul Mediului și Schimbărilor climatice (MMSM, Ministry of Environment and Forests)*. The *Departamentul pentru Ape, Păduri și Piscicultură (Department for Water, Forests and Aquaculture)* is responsible for products listed under the first four codes of the EUTR Annex, and the *Garda Nationala de Mediu (National Environmental Guard)* for the rest.

Resources

- To our knowledge, no full-time staff had yet been assigned to the EUTR.

Penalty regime

- Administrative fines ranging from 15,000 to 20,000 lei (approx. € 3,335 to € 4,445) apply to operators placing illegal timber on the market. Timber can also be confiscated or banned from the market.
- Administrative fines apply to operators who do not implement and/or use a due diligence system (DDS) and range from 5,000 to 15,000 lei (approx. € 1,130 to € 3,335). Documents needed to trade can be suspended for up to 12 months in this case and a grace-period of 45 days applies to operators who have not used a due diligence system, when first checked.
- Administrative fines also apply to operators who do not use a DDS correctly (including not maintaining and regularly evaluating a DDS) and range from 1,000 to 8,000 lei (approx. € 225 to € 1,780). Documents needed to trade can be suspended for up to 90 days in case of repeat offence.
- Traders can be fined up to 8,000 lei (approx. € 1,780) for breaching the traceability obligation.
- Monitoring organisations not complying with their obligations (Article 8 EUTR) can be fined up to 15,000 lei (approx. € 3,335).

Checks by the Competent Authority

- As at December 2015, the Romanian CA had issued 23 sanctions, including one for the amount of € 45,000.

Substantiated concerns

- No specific format or publicly available rules exist for submitting/dealing with substantiated concerns (SCs).

- Challenges of CA inaction are theoretically possible in administrative courts, as NGOs have standing (they only need to be able to show evidence of forest-related activities and have statutes mentioning the protection of the environment), but are difficult to use in practice.
- It is possible to address a request for information to CA to obtain feedback on whether information submitted is considered relevant for a SC. The CA is obliged to reply within 30 days. A reply to such a request could be the basis of an NGO challenge, with slightly more chances of success than challenges of CA inaction.

Possibilities to challenge operators in legal proceedings

- Criminal complaints can be filed directly with the police or public prosecutor. There are no particular standing rules for NGOs.
- NGO reports may not be considered sufficient evidence if not based on verifiable information. Audio and video recordings are accepted in court on a case-by-case basis.

Other key elements

- Decision n° 470 further:
 - Sets up a timber traceability information system ('SUMAL')
 - Provides for administrative fines for not using, or incorrectly using, the SUMAL system and traceability rules. In certain cases these fines are stricter than for breaches of the EUTR
 - Provides that seizure of timber is possible if it is held, transported, processed or commercialised without the paperwork attesting its legality under Romanian law.
- Fines of 2,000-5,000 lei (approx. € 451 to € 1,128) can be applied under the Law on Forest Contraventions for refusal to cooperate with the CA.
- Criminal fines, stricter than the fines for breaches of the EUTR, exist for illegal logging in domestic forests under Romanian forestry law (fines include imprisonment up to 7 years in aggravated cases).
- The Forestry Code was updated and amended in Law no. 133/2015, passed on 13 June 2015.

Key implementation/enforcement strengths

Key implementation/enforcement weaknesses

- The due diligence obligation does not apply to all timber products regulated by the EUTR (for example, timber products other than those corresponding to the first four codes of the EUTR Annex).

Resource information

Law:

- [Decision n°470](#)
- [Government Emergency Order 51/14.09.2016](#)
- [Decision n°668/2011](#) published on 11 July 2011 on the designation of the CA, and [rules on the methodology of checks](#), adopted 14 May 2015
- [Law 171/2010](#) establishing contraventions in forestry matters, as amended by government ordinance n°71/2011

Competent Authority contact information:

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