

Romania's Forests Under Threat

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Taking the law into safer hands

Upholding the rule of law in Romania when the Romanian government fails to do it itself

When Aristotle wrote "it is more proper that law should govern than any one of the citizens", one could have forgiven him for not having the foresight to add "in particular when it comes to the industrial logging of Romania's forests in 2,500 years from now".

For many years, the legality of Romanian forest logging operations, including in some of the most ancient forests left in Europe, has been constantly and robustly called into question. A common response from politicians and bureaucrats to allegations of illegality and corruption is that Romanian logging activities are governed by some of the most complex and comprehensive laws and regulations in Europe. Whether this is or is not the case is arguable, but it is irrelevant in the first place when these laws are not enforced by the government that is charged with administering them.

Romanian environmental NGO, Agent Green, with support from its partner, German environmental foundation, EuroNatur, has become so incensed at the lack of law enforcement in Romania's forests, that it has commissioned a legal team to act and take the Romanian government itself to court. Incredibly, in the past year, not less than 155 cases have been brought to the courts challenging the legality of logging in no less than 24 different forest locations in Romania.

The cases directly challenge the legitimacy of planned and active logging operations in Romania, mainly on the following grounds:

- Logging is actively taking place in areas of primary and old-growth forests, which according to Romania law, should be protected in the Romanian Catalogue of Virgin and Quasi-Virgin Forests.

- Logging is taking place in Natura 2000 sites where environmental assessments related to biodiversity protection, required by law, have not taken place
- Where environmental assessments are 'claimed' to have been done, they are severely lacking and fail to adequately assess impacts on species and habitats – in all cases, no species lists, as required by law, have been prepared and assessed
- Access to important information that has been kept under wraps by Romanian authorities has been a key trigger for many of these cases. The cases are being argued in court by Agent Green at the very same time that the Romanian government is the subject of an EU infringement procedure for its systemic and continuous failure to protect Europe's last primary and old-growth forests. This infringement, currently being assessed by the EU Commission, was initiated after Agent Green, EuroNatur and ClientEarth submitted formal complaints to EU authorities detailing the deliberate loss and destruction of natural forests and the lack of adequate assessment of environmental values that are supposed to take place before any logging activity can proceed.

Below: Agent Green legal team and volunteers outside the Bucharest Court of Appeals, Nov. 2020.

Photo: Agent Green



At the heart of this desperate and diabolical situation is a key question: How bad is governance in Romania, when a scarcely funded environmental NGO – at an enormous cost of precious time and resources – has to take its government to court to uphold and implement the rule of law?

Late last year, the critically important work of Agent Green's legal team was vindicated and rewarded when the Romanian Court of Appeals ruled that forest management plans contain environmentally sensitive and relevant information and must be made publicly available. This was a groundbreaking ruling and has been a key argument of Agent Green's lawyers for a long time – public access to information contained in forest management plans is a key principle of the EU Directive on public access to environmental information, the Aarhus Convention and the EU nature directives. However, this access has been fiercely opposed by Romanian authorities – the Ministry for Environment rejected the findings of the court and appealed the decision. Unsurprisingly, the Ministry lost the appeal.

The ability of the public to access, assess and analyse information – and therefore be involved in public discourse and debate – is a critical step to ensuring we properly understand the impact logging has on important forest ecosystems in Romania. What happens in Romania's forests matters to everyone, not just to logging and timber companies. That the Romanian government fought against this ruling gives a clear signal that it does not take seriously its commitments to protect nature in Romania. That Romania's Ministry of Environment continues

to refuse public access to information in forest management plans shows a clear, deliberate and ongoing disregard for the rule of law.

It has therefore been critical that NGOs have intervened in the courts and now are standing up where the Romanian government has failed.

As forests continue to fall to the chainsaw in Romania, Agent Green, supported by EuroNatur and its tens of thousands of followers in Romania and abroad, continues its fight in the court rooms to protect the most precious

of them. It shouldn't have to be this way, but it is.

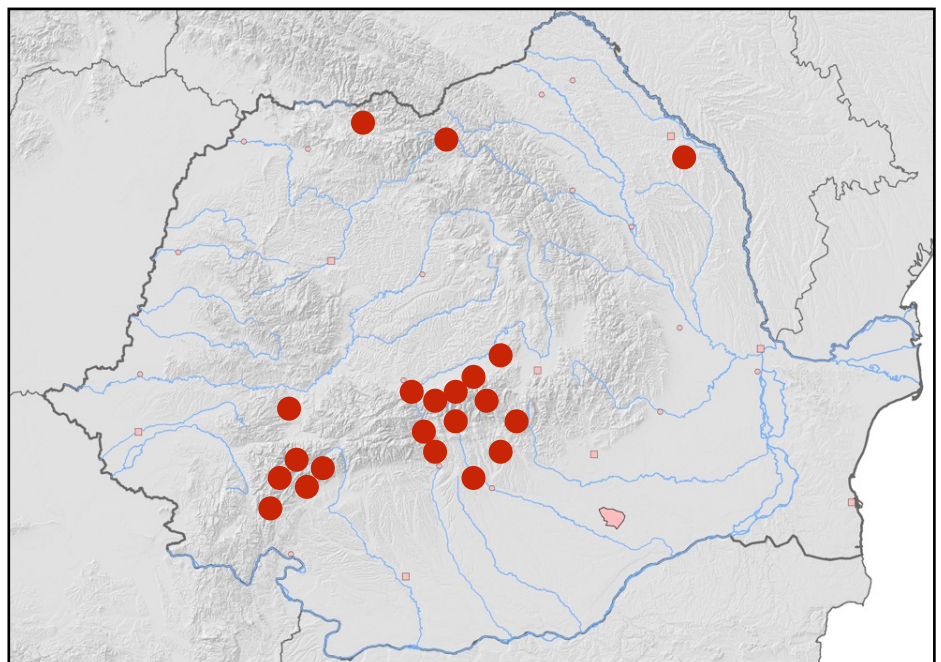
If Aristotle somehow knew what was happening in Romania, he would be rolling in his grave.

“We made the decision to bring a complaint to the European Commission when it became apparent that the legal proceedings at the national level were not effective in ensuring protection of Romanian forests. We had to act quickly to prevent further loss of habitats and species protected under EU Nature Directives.”

Ewelina Tylec-Bakalarz

Wildlife & Habitats Lawyer, ClientEarth

Below: Forest locations in Romania where Agent Green has challenged the Romanian authorities in court over illegal logging activities.



For more information:

www.euronatur.org

www.agentgreen.ro

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