

CURRENT LEGAL FRAMEWORK REGARDING THE ORIGIN AND MARKETING OF TIMBER (WOODEN MATERIAL)

Chebeleu Mircea*

*University of Oradea, Faculty of Environmental Protection, 26 Gen. Magheru St., 410048,
Oradea, Romania, e-mail:chebelemircea@yahoo.co.uk

Abstract

This paperwork aims to follow how Community legislation was transposed into our national law. As a result of implementing Community law, Romania currently has an optimal regulatory framework regarding the origin and marketing of timber (wooden material) . Any shortcomings, I appreciate them as being caused by the inappropriate application and not by the 'quality' of law.

Key words: wooden material, forestry legislation, Community law, deforestation, movement and marketing of timber (wooden material)

INTRODUCTION

Development of global economy means among other things, increasing demand for raw materials. Clearly, in the wood processing industry, the raw material are the trees (arbors). As a consequence, the growth of this industry equates with a need for more wooden material, which often leads to forcing or exceeding the limits of the legislative framework in the field of forestry, or why not, using in own interest the legislative shortcomings or an incoherent legislation.

MATERIAL AND METHOD

Materials used for compiling this paperwork consists in national and Community legislation.

Methods used are legal, namely formal method, the historical method, comparative method, sociological method, the logic method and analytical methods, which have affected systematic analysis of information extracted from the studied sources in order to develop views and conclusions.

The place where I performed my researches is Oradea, year 2016. The materials used for this paperwork are extracted from Internet sites documents and my personal library.

RESULTS AND DISCUSSION

Deforestation consist in the total removal of forest woody vegetation in a given area without being followed by its regeneration, including stump removal and removal of trees and shrubs, with the change of land use.¹

The legislator did not understand therefore, that in this definition to mention the purpose of the activity described above. As a consequence, we are in the presence of land clearing notion, no matter if the activity of removing the trees takes place in order to use the resulted wood material, or other purposes related to agriculture, construction, grazing. Worth keeping in mind is the fact that, for whatever purpose, deforestation is associated with a number of negative effects. Decreased air quality, decreased global temperature, floods and landslides are the perfect examples of such an negative effects, wich are globally noticed. If regarding the need to ensure adequate food supplies to the population, located in a continuous and sharp increase, might question the existence of proportionality between deforestation and intended purpose, the situation is totally different when wood is used in industrial and trade activities.

The development of global economy, means among other things, increasing the demand for raw materials. Clearly, in the wood processing industry, the raw material are the trees. As a consequence, the growth of this industry equates to a need for more wood, which often leads to forcing / exceeding the limits of the legislative framework in the field of forestry, or why not, using in own interest of shortcomings or incoherent legislation. In this context, it is understandable the effort for improving the legislative framework in the field, by improving existing legislative solutions or creating new institutions, whose job will be, on the one hand, to discourage illegal activities and, on the other hand, to facilitate the traceability of timber (wood material) from exploitation to processing. Global concerns about improving the legislative framework in forestry field, existed under both United Nations (through the United Nations Forum forest-UNFF) and under the aegis of independent organizations, like the World Wildlife Fund (WWF). According to the Romanian language² version of the official website of the WWF's organization³, global mission is to stop the degradation of the environment and build a future in which humans live in harmony with nature, by:

- worldwide conservation of biological diversity
- rational use of renewable natural resources

¹ Legea 46/2008 privind Codul Silvic, Anexa 1, pozitia 13

² <http://www.wwf.ro/>

³ <http://www.worldwildlife.org/>

- reduce pollution and irrational consumption

At European Union level, the efforts to create an appropriate legislative framework, were materialized by adopting the E.U. Regulation 995/2010 (EUTR – EU Timber Regulation) . This Regulation, aims mainly to prevent and combat trade activity with illegall harvested wooden material and continuing the active participation of the E.U. and the Member States to implement the global and regional resolutions and agreements related to forests.⁴ In Romania, the transposition of the above mentioned legal act, was made through Government Decision no. 470/2014 approving the rules on the origin, movement and marketing of wooden material, the regime of timber storage facilities and installations of processed roundwood and measures for implementing Council Regulation (EU) no. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place wooden material and timber products on the wood market. It was later approved⁵ also the Methodology of exercise of control by the competent authorities for applying Regulation (EU) no. 995/2010 (EUTRIC - EU Timber Regulation) laying down the obligations of operators who place timber and timber products on the wood market Finally, before I start presenting the main institutions introduced by the Regulations mentioned above, it should be noted the existence of Good Practices Guide for operators to implement the corresponding provisions of Regulation 995/2010⁶

According to the Guidelines mentioned in the preamble, it was conducted in collaboration protocol No. 866 / 25.02.2014 signed between the Department of Forests and Waters Fisheries and the Programme WWF Danube Carpathian Romania Association. The main institutions introduced by the regulations mentioned above are: a system for tracking the traceability of timber, known in Romania as "radar forests" and implementing preventive procedure to reduce illegal logging by conditioning pariciparii auctions operators implementing a system "due diligence" (preventive procedures on the marketing of wood recotat illegally). From the content of the legal text, it results that by introducing and implementing the IT system known as generic " FORESTS RADAR S", the legislator watched both facilitation of procedures for the tracking and control of timber, supporting economic agents by developing a program capable of generating information about management timber tracking its internal respectively, and last but not least, the involvement of civil society

⁴http://www.wwf.ro/ce_facem/paduri/regulamentul_european_privind_comerul_cu_lemn/

⁵ Ordinul Ministrului nr. 819 /29.05.2015 publicat în Monitorul Oficial al României nr. 376 din 29 mai 2015

⁶ http://www.wwf.ro/ce_facem/paduri/regulamentul_european_privind_comerul_cu_lemn

in monitoring transport these timber. Facilitation of procedures for the tracking and control was obtained by sizing / implementation of the program so as to alert authorities in the event that there are discrepancies between the data entered. In particular, the program does not allow registration system has a larger volume than originally purchased and registered by the act of enhancing the timber. By requesting the documents of origin, by loading them into the system, the economical agents that exploit, process, store wood have a clear inventory of wood by species and by area of origin. Finally, by interconnecting system of " Forests Radars " with the national emergency number 112, the program allow citizens to notify authorities in case of any transport of wood in whose case there was any suspicion of illicitly origin or ilegal transportation. Analyzed legislatiion was partially modified by Government Decision nr.787 / 2014⁷ and completed by testing Methodology⁸ for testing the implementation of Integrated Information System for tracking wood materials, namely through the Methodology⁹ regarding the organization and the operation of SUMAL, the obligations of SUMAL users, as well as the structure and the way to provide standardized information.

CONCLUSIONS

After the implementation of Community legislation, Romania has now a suitable legal framework. I appreciate that the notified issues by the mass-media and the online social programs are generated by failure of legislation rather than its absence.

REFERENCES

1. Legea 46/2008 privind Codul Silvic, Anexa 1, pozitia 13
2. Monitorul Oficial al Romaniei nr. 680 din 17- sept- 2014
3. Monitorul Oficial al Romaniei nr. 680 491 din 02-iul-2014
4. Monitorul Oficial al Romaniei nr. 680 761 din 21-oct-2014
5. Ordinul Ministrului nr. 819 /29.05.2015 publicat în Monitorul Oficial al României nr. 376 din 29 mai 2015
6. <http://www.wwf.ro/>, accesat la data de 15.09.2016
7. <http://www.worldwildlife.org/>, accesat la data de 24.06.2016
8. [8.http://www.wwf.ro/ce_facem/paduri/regulamentul_european_privind_comerul_cu_lemn/](http://www.wwf.ro/ce_facem/paduri/regulamentul_european_privind_comerul_cu_lemn/), accesat la data de 19. 07.2016

⁷ Monitorul Oficial al Romaniei nr. 680 din 17- sept- 2014

⁸ Monitorul Oficial al Romaniei nr. 491 din 02-iul-2014

⁹ Monitorul Oficial al Romaniei nr. 761 din 21-oct-2014