



# EU FOREST CRIME INITIATIVE

## Gap Analysis: Romania



Photos credit: © WWF-Romania/Mihai Constantineanu

Published in September 2020 by WWF – World Wide Fund For Nature (formerly World Wildlife Fund), Brussels, Belgium. Any reproduction in full or in part must mention the title and credit the above-mentioned publisher as the copyright owner. © Text 2020 WWF. All rights reserved.



The content of this publication represents the views of WWF only and is its sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

This project was funded by the European Union's Internal Security Fund – Police

Project-Nr. "821579 -Forest Crime - ISF-2017-AG-ENV"

# EXECUTIVE SUMMARY

## BACKGROUND AND PRESENTATION OF THE PROJECT

Illegal logging accounts for as much as 10–30 % of the total logging worldwide, with some estimates as high as 20–50 %<sup>1</sup> when laundering of illegal wood is included, with a growing involvement of organized crime. A significant proportion of illegal logging is now carried out by organized criminal networks utilising an international network of quasi-legitimate businesses and corporate structures to hide their illegal activities, which include creative accounting to launder criminal proceeds or collusion with senior government officials. Organized forest crime continues to evolve and develop new methods to conduct forestry crime operations and launder illegal timber.

In the Danube-Carpathian Region and Romania, forestry crime is a recognised problem, damaging Europe's last primeval forests and undermining government policies to sustainably manage and protect forests. Different sources, including State Authorities, academic research and NGOs reports acknowledged the pervasiveness of illegal logging and forestry crime in Romania. Forest degradation through illegal logging has even been declared a threat to national security.

Although the European Union Timber Regulation (EUTR) came into force in 2013 to stop illegal wood and paper products being placed on the European market, the EUTR and national laws in Romania against forestry crime have up to now not been implemented with full effect due to different gaps and obstacles.

The project “EU Forest Crime Initiative” aims to enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.

The project is carried out in 6 countries: Belgium, Bulgaria, France, Romania, Slovakia and Ukraine. Part of the project is a comprehensive analysis to better understand forestry crime in the different countries by analyzing gaps, identifying challenges along the enforcement chain but also opportunities to identify more cases and support forest governance and enforcement frameworks necessary to combat forestry crime.

For the gap analysis in Romania, a target group of key stakeholders was identified to fill in a survey and to attend a workshop in Bucharest in October 2019. Their answers to the survey and outcomes of discussions during the workshop constitute the basis of this gap analysis, on top of which WWF made a complementary assessment.

-----

---

<sup>1</sup> Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsoyova, M., Raxter, P., Mrema, E., and Barrat, S. (Eds). 2016. The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security. A UNEP INTERPOL Rapid Response Assessment. United Nations Environment Programme and RHIPTO Rapid Response– Norwegian Center for Global Analyses, [www.rhipto.org](http://www.rhipto.org) - accessible [here](#)

## KEY FINDINGS OF THE GAP ANALYSIS

There are numerous challenges, gaps and obstacles jeopardizing the proper enforcement of national laws meant to combat forestry crime in Romania, besides the fact that the effectiveness of such laws is questioned and challenged.

### The gap analysis in Romania shows:

→ **Problems with resources and knowledge. The capacity of relevant authorities to fight forestry crime is insufficient at all levels**, showing a significant discrepancy between mission/intention and reality on the ground. **Close to 90% of the respondents have never taken part in a training session/program around law enforcement and better fighting forestry crime**, which likely impacts both their capacity (possibly lack of expertise) as well as personal motivation. The latter was mentioned several times as an obstacle. **The low salaries for the forest staff increase the chance of corruption and negatively impact personnel's motivation**. There is nowadays a shortage of specialized staff which makes it difficult to react promptly and in real time after offences are committed, and capacity building is not identified as a priority. There is also a lack of technical equipment, including tools to perform controls more easily and carry out stringent investigations.

→ **Corruption is seen as a critical common denominator and aggravating factor concerning forestry crime.**

Recruitment of forest staff is not made in a transparent manner. **Conflicts of interest are too frequent, and so are political interferences in public administration and policies**. This prevents and jeopardizes the fight against forestry crime, **as forestry crime and corruption are interlinked phenomena, amplifying each other.**

**There is a lack of protection for people uncovering offenses, considering the risks of reprisals they are exposed to.**

→ The **organization of the forest sector in Romania** present challenges: **the absence of a cadastre for forests, the administrative fragmentation of the national forestry fund** (the result of the restitution process - not yet completed) along with the fact that some forests belong to different owners **and are not included in the national forest fund, create pre-conditions that facilitate illegal logging and forestry crime.**

→ The **legislative framework related to forestry crime** still has many loopholes. **The current marking-based control system does not focus on controlling the first placing on the market** of wood and using the wood transport footprint. At present, **marking trees under the control system is time consuming in terms of resources and allows the use of false markings, an offence that is practically impossible to prove in court.**

In case of illegal logging, offenders must be caught while perpetrating the offence, corresponding stumps must be identified and damages must exceed a value limit of 5 m<sup>3</sup> to be considered a crime. **Illegal transport of wood on public roads** (without documentation, for example) **does not lead to criminal sanctions** (offenders are given a simple contravention), **regardless of whether the origin of the goods is illicit or not.**

The current system also offers opportunities for forestry operators to transport a higher volume than the one stated in their pre-paid contract. **Less than 1% of the wood transports from the forest to market are actually verified through primary delivery documents by those with**

## **control responsibilities.**

Due to calculation methods and errors in field measurements, estimation of volume is also imprecise. **Legally, the margin of error when determining the volume of “standing” trees exceeds  $\pm 20\%$ , and depending on the objectivity of the assessor, the actual margin of error could exceed  $+50\%$ .**

**The current legislation does not protect those working at forest level. Recent events (see context in part 2) showed that forest rangers are facing significant risks while performing their duty.**

→ **The SUMAL is not used properly, as generally only 1% of the waybills are checked, creating a pre-conditions for illegal actions.**

**Alerts generated by SUMAL are for the moment not circulated to all the relevant authorities and a transparent monitoring system established to handle them is still lacking.**

The impossibility to track the final consumer, the delay in sending coordinates with the location of the timber, the possibility to issue a second waybill despite the fact that the first one may have not been validated, or the possibility for processing companies to report fake percentages of efficiency, are additional loopholes, hindering this wood traceability system.

→ **There are numerous Modus operandi to carry out forestry crime, offenders are finding numerous ways to contravene the law and a wide variety of actors are involved in illegal logging.** This ranges for example from cutting outside of concessions areas, abuse of authorized harvesting limits, harvesting on illegally restituted lands/forests, abuse of sanitary felling or underestimation of wood volume and quality.

**Poverty related forestry crimes also seem to be quite common and widespread, thus making it an important problem at national level.** In addition, some “poor” offenders may also be linked or work for an organized crime structure, showing that attributing the illegal logging to organized crime can be a challenge.

→ **From a judicial perspective, there is an obvious lack of success with serious forestry crimes cases.** Evidence provided by relevant staff is usually not being considered in court or has no serious consequences. **Sometimes, cases do not even reach court due to lack of reliable and actionable evidence to formulate the accusation.**

Due to a fragmented approach to forest crime and lack of judicial experts, **obtaining adequate evidence is difficult.** Sanctions are usually not issued under the criminal law, especially in the case of smaller damages caused to the national forest fund.

Trials are also very long and courts consider this kind of crime with indulgence. **People working at justice level are not well informed/aware enough of the harmful and deleterious effects of not sanctioning forestry crimes, and the possibility of penetration into the organized crime is low, due to lack of resources and corruption issues.**

**Finally, the judicial system (but not only) focuses too much on small-scale loggers and big players are not discouraged and not targeted. There is a clear lack of significant trials, and as a consequence, no substantial and public debates concerning the accusation of high-profile people.**

→ **On cooperation, interdisciplinary events** such as workshops and seminars as well as inter-institutional working groups, **are missing or not developed enough. Prosecutors,**

**investigators and forest staff are not sufficiently connected to each other** and there are no liaison/contact person designated amongst each authority.

Intersectoral protocols for collaboration between institutions may be missing, and where they already exist, they are not used to their full potential.

**Relevant tools and databases**, containing information about offences, offenders/recidivists, status of investigations, important stakeholders etc. **are not implemented for now and not sufficiently encouraged**, despite the fact that they could be of a great value for the enforcement chain, through facilitating the flow of information, identifying good practices etc.

Results highlight that  $\frac{1}{3}$  of the respondents see NGOs as knowledgeable and helpful “partners” in detecting forestry crimes. However  $\frac{1}{4}$  of the respondents mentioned that cooperation is non-existent or has not happened yet, **which proves cooperation between state institutions and NGOs/CSOs could be improved and benefit both parties.**

→ **On investigation, the establishment of checks does not follow enough a risk-based approach that would help to prioritize checks based on objective and transparent criteria.** Due to a lack of specialized staff/experts and resources, **pre-investigation tends to be weak and do not generate solid evidence.**

There is a lack of follow-up/investigation, after the identification/detection of violations at forest level and a long delay between the moment the offence is witnessed and the moment it is reported for prosecution. **Overregulation and burdensome red-tape procedures sometimes hinder controls’ efficiency**, and at present time, **timber testing is not used as a way to provide reliable and additional evidence for court cases.**

**Appropriate performance indicators were not introduced for staff with control responsibilities, and there is a lack of transparency following controls and on the results obtained** (absence of a public database with the result of controls/criminal record of operators).

The present report does not list specific recommendations, although some possible solutions were already identified in the table in annex 4.

In order to strengthen the fight against forestry crime, a manual of recommendations will be made **available by early 2021**, in which all key lessons learnt and best practices identified during the project will be compiled and recommendations formulated.

# KEY DEFINITIONS

## Forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector, covering the entire supply chain, from harvest (illegal logging) and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offenses that facilitate such activity, including document fraud, corruption, and money laundering<sup>2</sup>.

## Organized crime

According to the United Nations Convention against Transnational Organized Crime (2004)<sup>3</sup>:

- a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

## Poverty-related forest crime

Organized crime is different than poverty-related forest crime<sup>4</sup>. The United Nation Office on Drugs and Crime defines that “although actions in the illegal activities are linked (for example, poor farmers that are employed as harvesters and suppliers by traffickers), it is still critical to differentiate between activities driven by need and poverty, and those driven by greed and the lure for high profit. In developing countries, poverty can be a factor that drives wildlife and forest offences (...). In this connection, formal criminalization can be harmful for people depending on wildlife and forest resources for their livelihoods.”

## Corruption

There is no one single definition of corruption. According to INTERPOL, corruption is defined as:

- the misuse of entrusted power for private gain, or
- any course of action or failure to act by individuals or organizations, public or private, in violation of a duty or obligation under law or trust for profit or gain.

The annual global cost of corruption in the forestry sector is estimated to be in the order of 29 billion dollars. Bribery is reported as the most common form of corruption in the forestry sector. Other forms of corruption, in order from most to least common after bribery, are the following: fraud, abuse of office, extortion, cronyism and nepotism<sup>5</sup>.

---

<sup>2</sup><https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

<sup>3</sup>[https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOL\\_S\\_THERETO.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOL_S_THERETO.pdf)

<sup>4</sup> [https://www.unodc.org/documents/Wildlife/Toolkit\\_e.pdf](https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf)

<sup>5</sup> Uncovering the risks of corruption in the forestry sector, Interpol (2016) 20 pages.

## **Modus operandi**

Modus operandi refers to the methods used to carry out forestry crime (please see the definition above), across the entire supply chain, from illegal harvest to transport and trade.

## **National Forest Fund of Romania**

According to the Romanian legislation, the national forest fund includes all the forests and the terrains that are intended for afforestation, the terrains that are intended for the cultivation, production or forest administration; the pounds, stream channels or other terrains intended for the forest or for unproductive purposes constitute, regardless of the nature of the right of property, the national forest fund. The Romanian Forest Codes admits the dual nature of the property rights and stipulates that the national forest fund is either public or private property<sup>6</sup>.

## **Offence**

For the purposes of this report, the term “offence” includes all activities that may be subject to criminal or administrative penalties.

## **Acronyms**

**CSO:** Civil Society Organization

**EUTR:** European Union Timber Regulation

**NFI:** National Forest Inventory

**NGO:** Non Governmental Organization

**NSI:** National Statistics Institute

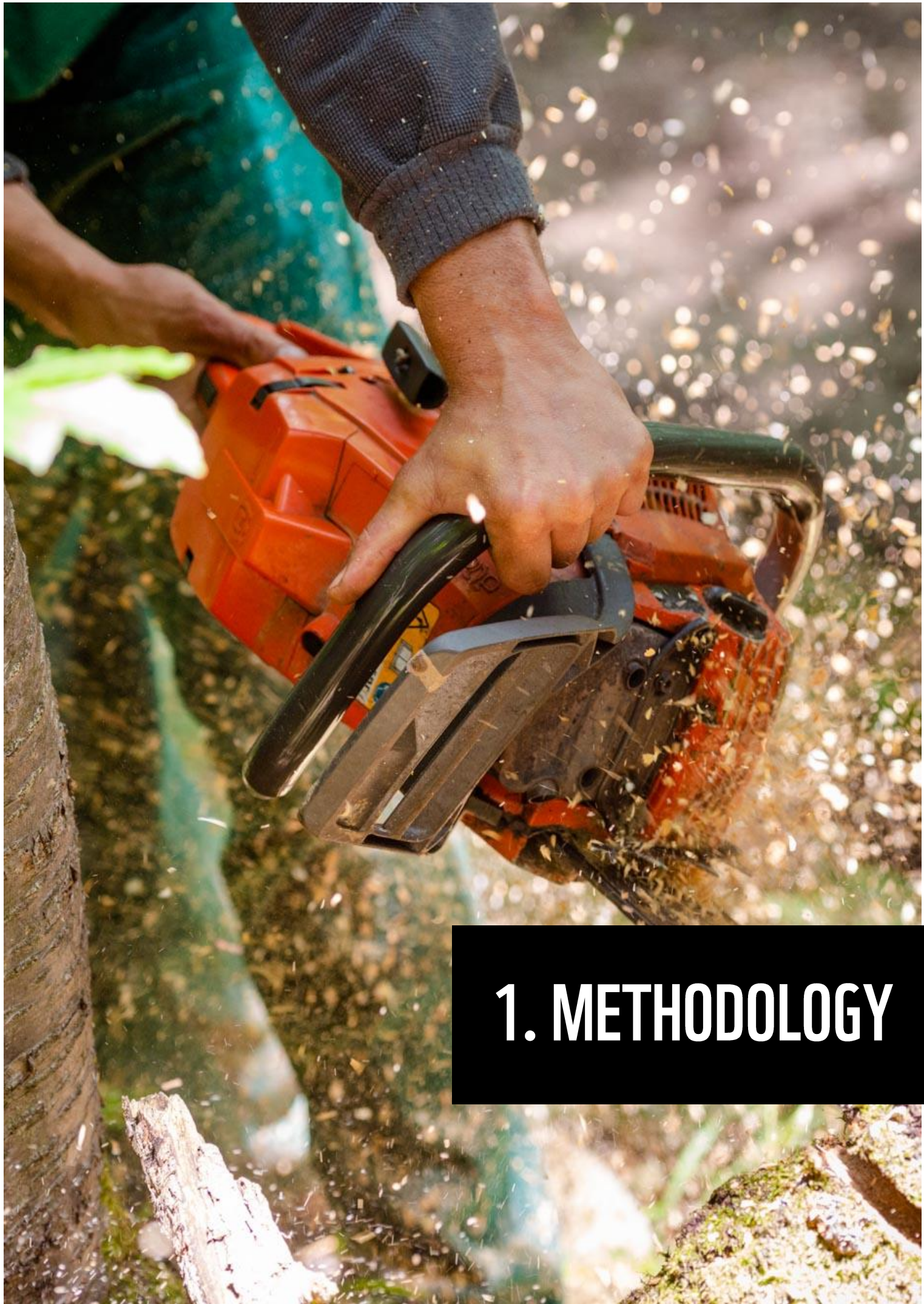
**SME:** Small & Medium Enterprise

**SUMAL:** Sistemul Informațional integrat de Urmărire a Materialelor Lemnoase (Integrated informational wood traceability system)

---

<sup>6</sup> <https://lege5.ro/Gratuit/g42dknrxg4/codul-silvic-din-2008>





# 1. METHODOLOGY

## DESCRIPTION OF THE PROJECT

Forestry crime is a growing problem with links to organised crime and corruption. In financial terms, environmental crime is the third largest crime sector in the world and amounted to 110-281 billion USD in 2018, in which forestry crime and illegal logging represented 51-152 billion USD<sup>7</sup>.

In 2013, the EU adopted new legislation, the European Timber Regulation, to address products derived from illegal logging on the EU market. However, loopholes in the EUTR and its enforcement, as well as implementation gaps of other national laws in Member States, have until now hindered real change.

The project “EU Forest Crime Initiative” aims to enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.

The project is carried out in 6 countries: Belgium, Bulgaria, France, Romania, Slovakia and Ukraine. The project includes conducting a comprehensive gap analysis as well as the formulation of recommendations on how to address these gaps. The project is also meant to empower civil society to raise suspicions and to be a knowledgeable partner for authorities.

## SCOPE OF THE PROJECT AND EXPECTED OUTCOMES

In Romania, Bulgaria, Slovakia and Ukraine the project focuses on forestry crime at domestic level as well as transboundary forestry crime.

In Belgium and France, the project focuses on high risk imported timber products and/or those with complex supply chains, aiming to motivate existing networks fighting against environmental crime to carry out independent investigations.

More specifically in Romania, this project aims to provide a better understanding of forestry crime by analyzing gaps, challenges along the enforcement chain as well as opportunities to identify more cases that could be taken to court and support the forest governance and enforcement frameworks necessary to combat crime across the regional forest sector, thereby improving the transparency, governance and legality in forested target countries in Europe and motivate political will.

## TARGET GROUP

The target group for the gap analysis in Romania includes all stakeholders who are part of the enforcement chain from the forest to the judicial authorities.

Project partners’ approach was to target the most relevant stakeholders, based on their positions and experience to ensure the development of a relevant and informative gap analysis.

Following this rationale, WWF and INTERPOL did not try to select an extensive number/pool of persons, but rather to focus on the stakeholders who are formally accountable to combat forestry crime and that were believed to bring the most added value to the gap analysis (such as the EUTR Competent Authority, police, prosecutors, judges, forest guards etc.)

---

<sup>7</sup> Nellemann, C.; Henriksen, R., Pravettoni, R., Stewart, D., Kotsovou, M., Schlingemann, Shaw, M. and Reitano, T. (Eds). 2018. World atlas of il- licit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime. [www.rhipto.or](http://www.rhipto.or). [www.interpol.int](http://www.interpol.int)

## Development of a questionnaire

The project partners developed a questionnaire on forestry crime to capture both quantitative and qualitative information in order to have a comprehensive analysis as well as to reflect the personal views of the target group. The questionnaire was distributed to all key stakeholders identified by project partners.

The survey focuses on 4 main parts:

- General knowledge about forestry crimes, illegal logging and trade on a national level, including modus operandi to commit forestry crimes;
- General knowledge about EU Timber Regulation and other legislation in relation to forestry crime;
- Cooperation along the enforcement chain;
- Conclusion on challenges in relation to prosecution and potential for more cases.

You can access the complete survey for the enforcement chain **in annex 5**.

A separate version of the survey was also prepared for NGOs & CSOs. You can access it **in annex 6**.

## Workshop in Bucharest

A national workshop about forestry crime took place on the 29th and 30th October 2019 in Bucharest. Altogether, 69 stakeholders and representatives of relevant authorities involved in combating forestry crime attended the workshop.

The workshop was designed to bring together all stakeholders and Competent Authorities fighting forestry crime to exchange and be informed to ensure a common understanding about existing crimes occurring in Romanian forests.

The objective was also to improve collaboration between law enforcement agencies, raise awareness and draw the attention of the institutions and the State on forestry crime.

### Key information related to the workshop and the distribution/collection of the surveys.

SURVEYS			WORKSHOP IN BUCHAREST		
Dates	Types of respondents	Number of replies received	Dates	Number of participants who attended	Nature of the participants/ Parts of the enforcement chain represented
<p>Surveys were first circulated to stakeholders on <b>30 September 2019</b>.</p> <p>Feedbacks were received no later than <b>6 November 2019</b>.</p>	<ul style="list-style-type: none"> <li>• Police (including border police and coast guards)</li> <li>• Gendarmerie</li> <li>• Forest guard</li> <li>• Prosecutor</li> <li>• Forest administrator</li> </ul>	47	29 and 30 October 2019	69	<ul style="list-style-type: none"> <li>• Ministry of Water and Forests</li> <li>• Forest guards</li> <li>• Environmental guards</li> <li>• Forest administrators (state/private)</li> <li>• INTERPOL</li> <li>• General Inspectorate of Romanian Police</li> <li>• Coast guards</li> <li>• Border police</li> <li>• Gendarmerie</li> <li>• Prosecutors</li> <li>• Judges</li> <li>• National Agency for Fiscal Administration</li> </ul>

## 2. CONTEXT



**Disclaimer:** the information presented in part 2 on the context describes the situation until **April 30 2020**. Possible changes that came into effect after that date may not be reflected in this report.

## 2.1 FOREST CONTEXT AND THE NATIONAL COUNTRY SITUATION REGARDING FORESTRY CRIME

### Forest context

Romania's territory accounts for 23,8 millions of hectares in total, of which 7,05 are forests<sup>8</sup>, 29,6% of the total land area of the country.

According to FAO, 2,6 millions hectares of forests are located within protected areas<sup>9</sup>. Romania hosts some of Europe's last and most extensive old-growth and primary forests<sup>10</sup> and is home to Europe's largest populations of large carnivores, including the brown bear, grey wolf and Eurasian lynx<sup>11,12</sup>. According to FAO, 283,000 hectares are primary forests in Romania, around 4% of the total forested area, and approximately 6 million of hectares are naturally regenerated.

WWF has evaluated that there are about 100,000 hectares of potential virgin forests in Romania. WWF has also identified and mapped over 65,000 hectares of virgin and quasi-virgin forests.

### Forestry crime

Illegal logging is acknowledged by various stakeholders, including the government, NGOs and the media as a major environmental and economic problem in the Danube-Carpathian region and in Romania<sup>13,14,15</sup>. Forest degradation through illegal logging has even been declared a threat to national security<sup>16</sup>.

Over the last years, diverging figures concerning the volume of illegally harvested wood have been published, generating confusion and controversy about the extent of illegal logging and methods used to estimate it. This nevertheless shows that this is still a pervasive problem. Although the situation in Romania is very dynamic and changes rapidly, we still present several sources and estimates below, despite the fact that some are more than 5 years old:

---

<sup>8</sup> According to the National Forest Inventory: <http://roifn.ro/site/ifn-ciclul-ii/>

<sup>9</sup> <http://www.fao.org/countryprofiles/index/en/?iso3=ROU>

<sup>10</sup> Virgin forests in Romania and Bulgaria: results of two national inventory projects and their implications for protection. Veen, P., et al.

2010, *Biodiversity and Conservation*, Vol. 19, pp. 1805-1819.

<sup>11</sup> Conservation gains through HCVF assessments in Bosnia-Herzegovina and Romania. Ioras, F., et al. 2009, *Biodiversity and Conservation*, Vol. 18, pp. 3395-3406.

<sup>12</sup> The status of the Carpathians. Webster, R., Holt, S. and Avis, C. (Eds.). 2001, WWF Vienna .

<sup>13</sup> Development of Common Integrated Management Measures for Key Natural Assets in the Carpathians. Appleton, M. R. and Meyer, H. Editors. s.l. : WWF Danube-Carpathian Programme, Vienna, 2014, *Integrated Management of Biological and Landscape Diversity for Sustainable Regional Development and Ecological Connectivity in the Carpathians (Work Package 4)*.

<sup>14</sup> Stealing the last forests: Austria's largest timber company, land rights, and corruption in Romania. EIA. 2015, Environmental Investigations Agency (EIA) Report.

<sup>15</sup> Competition Assessment Reviews: Romania. Organisation for Economic Cooperation and Development (OECD). s.l. : OECD Publishing Paris, 2016. <http://dx.doi.org/10.1787/9789264257450-en>.

<sup>16</sup> [https://wwf.panda.org/wwf\\_news/?272731/Stop-forest-degradation-in-Romania](https://wwf.panda.org/wwf_news/?272731/Stop-forest-degradation-in-Romania)

- A Romanian Court of Auditors' study from 2013 estimated that between 1990 and 2011, 80 million m<sup>3</sup> of timber have been cut illegally, representing 24% of the total volume of wood cut during this period and a loss of over 5 billion euros to the Romanian economy<sup>17</sup>.
- A study by the National Institute for Research and Development in Forestry from 2015 reported that between 2008 and 2014, 26.8 million m<sup>3</sup> per year was harvested whereas the legal volume exploited was 18 million m<sup>3</sup>. From that study, the competent Ministry concluded that 8.8 million m<sup>3</sup> of timber was cut illegally each year between 2008 and 2014<sup>18</sup>.
- In its report *Stealing the last forests*, the Environmental Investigation Agency (EIA) estimates that at least 50% of timber harvested in Romania is cut illegally<sup>20</sup>.
- According to a Court of Accounts' report, Romanian forest officials conducted the required pre-clearing on-site inspection in only 4.2% of cases of "accidental" clearing in 2012 and 2013. The authors state that there is suspicion that the remainder of cutting - around 6.2 million m<sup>3</sup> of timber - was harvested illegally in Romania as supposedly "accidental" harvesting<sup>21</sup>.
- Still according to EIA, Nostra Silva, an association of forest holders in Romania, calculated the total amount of standing timber needed to produce the officially declared figures of softwood lumber production in Romania, equivalent to 3.6 million m<sup>3</sup> in 2013. They concluded that 9 million m<sup>3</sup> of standing timber would have to be cut to produce this much lumber – 2 million m<sup>3</sup> more than the 7 million m<sup>3</sup> officially recorded<sup>22</sup>.
- Greenpeace estimates that 3 hectares of spruce, beech, fir and sycamore trees are lost every hour in the Carpathian, equivalent to 26,280 hectares per year<sup>23</sup>.

More recently, after the public release of data related to harvest from the National Forest Inventory (NFI) at the end of 2019, a public debate around the "missing" volume of wood started. The recently nominated Minister of Waters and Forests went public and talked about more than 20 million m<sup>3</sup> of illegally harvested wood from Romanian forests, before consulting scientific stakeholders and forestry experts. To date, there is no scientific agreement related to the interpretation of the different figures coming from the National Statistics Institute (NSI) (which presents the yearly wood production) and the National Forest Inventory (that produced the figure of annual average harvest). Several representatives of Forestry Universities and Romanian Academy of Agricultural and Forestry Sciences do not agree with the interpretation of the difference between the annual average harvest (around 38 million m<sup>3</sup>) coming from the NFI and the annual average wood production (around 18 million m<sup>3</sup>) coming from the NSI as being the volume of illegal logging in Romania.

WWF outlined that this difference should not be interpreted as all accountable for illegal logging, and that further clarifications on the methods used must be given by the relevant persons.<sup>24</sup>

The second cycle of National Forest Inventory (from 2013 to 2018) confirmed the existence of over 500,000 hectares currently outside the national forest fund. Because they do not benefit from protective measures under the national forest fund regulations, these forests are continuously degraded or even destroyed by burning, intensive grazing, but above all over-logging<sup>25</sup>.

<sup>17</sup> Romanian Court of Accounts. (2014). Synthesis of the Public Report for the year 2013. [http://www.curteadeconturi.ro/Publicatii/Sinteza\\_Raport%20Public.\\_EN\\_r.pdf](http://www.curteadeconturi.ro/Publicatii/Sinteza_Raport%20Public._EN_r.pdf).

<sup>18</sup> (2015). Official Gazette no. 474/30.06.2015.

<sup>19</sup> RISE Project. Control la Schweighofer: trafic de lemn și fraude cucertificate verzi [Schweighofer under control: Timber Trafficking and Green Certificates Fraud]. <https://www.riseproject.ro/control-la-schweighofer-trafic-de-lemn-si-fraude-cu-certificate-verzi/>

<sup>20</sup> Stealing the last forests: Austria's largest timber company, land rights, and corruption in Romania. EIA. 2015, Environmental Investigations Agency (EIA) Report.

<sup>21</sup> Romanian Court of Accounts. (2013). Sinteza Raportului de audit privind "Situația patrimonială a fondului forestier din România, în perioada 1990-2012"[Summary Audit Report "State of Romanian Forest Patrimony from 1990-2012"]. Bucharest. p. 10.

<sup>22</sup> Stealing the last forests: Austria's largest timber company, land rights, and corruption in Romania. EIA. 2015, Environmental Investigations Agency (EIA) Report.

<sup>23</sup> <https://www.dw.com/en/rescuing-romanians-forest/a-19569974>

<sup>24</sup> <https://wwf.panda.org/?357022/debated-nfi>

<sup>25</sup> [https://wwf.panda.org/our\\_work/forests/?355354/Save-the-Unmanaged-Forests](https://wwf.panda.org/our_work/forests/?355354/Save-the-Unmanaged-Forests)

Illegal logging operations in Romania are putting lives in danger: the Silva trade union federation states 6 foresters have been killed in recent years while another 650 forest workers were beaten, attacked with axes or knives or even shot at after catching illegal loggers in the act<sup>26</sup>.

It was also reported in May 2018 that Romania's security forces have mounted a series of raids to break up an alleged 25 millions euros illegal logging ring<sup>27</sup>.

In parallel, it is important to mention that following the fall of the Soviet Union, Romania started a restitution process in order to give back land to their entitled owners (owners from before 1948), This restitution process has been causing many issues and conflicts in regards to land property.

According to the United Nations Environment Program, high illegal logging rates are triggered by these ownership and institutional changes and new owners appear to harvest much of their forests to gain short-term profits<sup>28</sup>. EIA also mentioned that a Court of Accounts' report from 2013 found that 561,169 hectares of the more than 3 million hectares of forest land restituted by the government to private actors was done so illegally, equivalent to roughly 20% of the total land restituted<sup>29</sup>.

Over the last years, several efforts and initiatives were implemented to tackle illegal logging, supported by the setting up or revisions of existing laws. The Ministry of Environment, Waters and Forests, together with the Government of Romania, implemented the *inspectorulpadurii*, a portal that collects data (also using the SUMAL database), enabling users to see satellite alerts and changes in forest vegetation<sup>30</sup><sup>31</sup>.

WWF has supported authorities to develop SUMAL<sup>32</sup>, a best-practice system for tracing wood supply that includes a central database and a hotline people can call to report or verify the legality of wood shipments, that represented a clear step forward in the fight against illegal logging<sup>33</sup>.

SUMAL can significantly reduce the risk to falsify legality documents. Its use is mandatory for forest administrators and for all operators and traders who harvest, store, process, market or carry out import-export operations with wood or wood materials. It covers every part of the process, from wood as a forest to wood as products. Every legal document is registered in this database (volume estimation documents on standing stock, harvesting authorization, delivery documents for timber), although the IWoodTracking system (one component of the SUMAL, only to be used by competent authorities) is not systematically and consistently used by controllers.

---

<sup>26</sup><https://www.reuters.com/article/us-romania-protests-logging/thousands-of-romanians-protest-against-illegal-logging-attacks-on-forest-workers-idUSKBN1XDoHZ>

<sup>27</sup> <https://www.theguardian.com/environment/2018/may/31/romania-breaks-up-alleged-25m-illegal-logging-ring>

<sup>28</sup> [https://wedocs.unep.org/bitstream/handle/20.500.11822/22225/Combating\\_WildlifeCrime\\_Danube.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/22225/Combating_WildlifeCrime_Danube.pdf?sequence=1&isAllowed=y)

<sup>29</sup> Romanian Court of Accounts. (2013). Sinteza Raportului de audit privind "Situția patrimonială a fondului forestier din România, în perioada 1990-2012"[Summary Audit Report "State of Romanian Forest Patrimony from 1990-2012"]. Bucharest.

<sup>30</sup> [https://wedocs.unep.org/bitstream/handle/20.500.11822/22225/Combating\\_WildlifeCrime\\_Danube.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/22225/Combating_WildlifeCrime_Danube.pdf?sequence=1&isAllowed=y)

<sup>31</sup> <http://rt1.forestier.ro:5017/sumalsatelit/#coordonate=24.9668,45.9432/Z7>

<sup>32</sup> <http://apepaduri.gov.ro/sumal-2/>

<sup>33</sup> <https://eia-global.org/press-releases/romania-creates-revolutionary-public-access-in-new-online-wood-tracking-system>



## 2.2 POLICY AND LEGAL FRAMEWORK ON FORESTS

### Forest ownership

According to the National Forestry inventory, around 64,5% of forests in Romania were publicly owned in 2018 (by the State and local communities), while 35,5% are privately owned (by individual and legal persons)<sup>34</sup>. Out of the approximately 7 millions hectares of forests, the national forest fund represent 6,5 millions hectares. 20% of the forests in Romania are belong to natural and legal persons, from which 8.5% are less than 10 hectares in size and shared between more than 300,000 owners, while forests larger than 10 hectares represent 11.5%.

### Organization of forest management

Romsilva is the key organization when it comes to forest management in Romania. Romsilva is a State-owned company, managing all of Romania's state forests and most of its national and natural parks since 1996. Romsilva acts under the authority of the Ministry of Waters and Forests, has 41 county departments (forest directorates), about 300 forest management units and has in its structure 22 park administrations<sup>35</sup>. By the end of 2018, the surface of the forest fund managed by Romsilva was 3 135 927 ha<sup>36</sup>. Using a top down approach, the organization of forest management can be presented as such:

#### 1. County Forest Directorates

**County Forest Directorates** do not have a legal entity status, and are represented in all contractual issues by the National Forest Administration/Romsilva and are responsible for supervising all forest management units activities in their area of authority. County Forest Directorates supervise activities of the forest management units, organize standing wood and log auctions, contract the harvesting activities and sign harvesting contracts. They control wood harvesting activities (wood harvesting, felling reports, sanitation felling) and participate to the revision of forest management plans.

#### 2. Forest Management Units

**Forest management units have the following technical and administrative divisions:**

##### **(i) districts and/or (ii) forest cantons.**

Forest management units directly deal with forest management and are implementing the forest policy and norms according to management plans, undertaking specific management tasks, including but not limited to: preventing and stopping illegal activities, supervising and controlling the wood harvesting and transportation activities and marking trees to be extracted during the harvesting process<sup>37</sup>.

In 2015, Romania has started to review its forestry code dating from 2008 and introduced further restrictions to ensure better forest protection and biodiversity conservation, such as deadwood management, integration of forest landscapes, specific management for high conservation value forests and payment for ecosystems services, while encouraging more timber processing in Romania, and stronger involvement of local communities in preserving forests<sup>38</sup>.

<sup>34</sup> According to the National Forest Inventory: <http://roifn.ro/site/ifn-ciclul-ii/>

<sup>35</sup> [http://www.interreg-danube.eu/uploads/media/approved\\_project\\_public/0001/06/d151f94e2a05559f3e1ac7083a5281bb8ea8do3a.pdf](http://www.interreg-danube.eu/uploads/media/approved_project_public/0001/06/d151f94e2a05559f3e1ac7083a5281bb8ea8do3a.pdf)

<sup>36</sup> [http://www.rosilva.ro/articole/prezentare\\_generala\\_\\_p\\_178.htm](http://www.rosilva.ro/articole/prezentare_generala__p_178.htm)

<sup>37</sup> Illegal logging in Romania. Commissioned and Published by WWF European Forest Programme and the Danube Carpathian Programme (DCP). 2005, WWF (17 pages)

<sup>38</sup> [https://www.wwf.ro/resurse/comunicate\\_de\\_presa/?uNewsID=242590](https://www.wwf.ro/resurse/comunicate_de_presa/?uNewsID=242590)

More information on relevant legislation and policy can be found [here](#) or [here](#).

## 2.3 MAIN DRIVERS OF FORESTRY CRIME

Environmentalists blame lax protection, organized crime and corruption<sup>39</sup> as reasons for forestry crime.

From WWF's point of view Romania has been experiencing interference in forest management and control structures over the last 20 years by policy makers, each political party imposing its favorite candidates when taking over power. Clientelism and putting party over public interests has resulted in weakened forestry authorities, a low level of professionalism in administration and shallow governmental programmes for the forest sector. Romania's last Forest Strategy expired in 2011 and since then, there has been no clear vision to guide decisions. Successes and best practices are often ignored and disinformation based on rushed or tendentious evaluations, has led to a general confusion as to what is legal or illegal<sup>40</sup>.

---

<sup>39</sup> <https://www.dw.com/en/rescuing-romania-forest/a-19569974>

<sup>40</sup> [https://wwf.panda.org/wwf\\_news/?272731/Stop-forest-degradation-in-Romania](https://wwf.panda.org/wwf_news/?272731/Stop-forest-degradation-in-Romania)



## 3. MAIN RESULTS

## 3.1 RESULTS FROM THE SURVEY

### 3.1.1 Forestry crime situation

**Disclaimer:** Although project partners assume that there is a common understanding of “organized crime” amongst people from the target group, this term was not defined initially in the survey. References to organized crime by respondents may therefore encompass slightly different meanings.

#### Nature and number of respondents

**The results below are based on 48 answers.** 47 respondents are stakeholders belonging to the enforcement chain group and 1 respondent belongs to civil society.

The questionnaire intended for NGOs contains 17 questions instead of 25 for the enforcement chain (some questions irrelevant for them were taken off the list, and 4 questions were added).

For clarity purposes, we mentioned the profile of respondents before each question:

- Enforcement chain only.
- Enforcement chain + NGOs.
- NGOs only.

Please note that only results and outcomes from the questionnaires and workshop are presented under part 3. The complementary assessment and analysis by WWF can be found in part 4.

---

#### 3.1.1.1 Current trends (Enforcement chain + Civil society)

Respondents were asked if forestry crime is a growing problem in Romania, both for domestic and imported timber, and to share any data they may have.

19 respondents are of the opinion that forestry crime has been intensifying over the last years at national level, while 12 stated it was decreasing. 5 considered it to be stable and 5 did not express an opinion due to the lack of agreed/shared figures on illegal logging and forestry crime at national level. One respondent explained that forestry crime is slightly lower than in previous years due to the intensification of the control actions.

Regarding statistics from gendarmerie, infringements detected are approximately at the same level. Between January and September 2019, 50 criminal infringements were found and 1911 contraventional sanctions were applied, compared to the period January to September 2018, with 53 criminal infringements, and 1545 contraventions. The wood mass recovered in the reference period of the year 2019 was 962 m<sup>3</sup>, compared to 1100 m<sup>3</sup> in 2018.

One respondent working for the judicial sector outlined that internal statistical data show a growth in values and quantities concerning illegal timber.

The respondent belonging to the civil society group notes that current trends will be depicted differently depending on what indicators are used for measurement and which person/organization makes a statement. This person highlights that environmentalists would say that forestry crime is a growing problem in Romania, whereas professionals from the forestry sector say forestry crime has been halted and is not growing any longer.

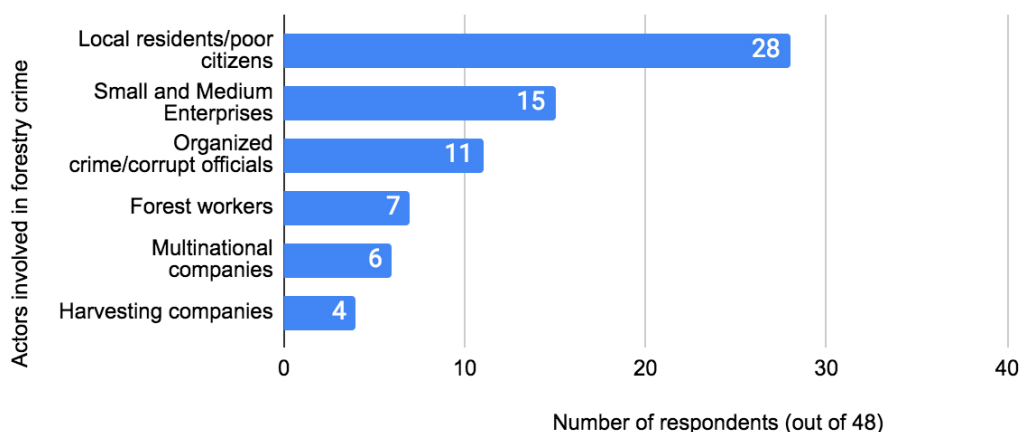
### 3.1.1.2 How important is forestry crime compared to other crimes (Enforcement chain + Civil society)

Respondents were asked to rank the importance of forestry crime compared to other crimes, concerning 1) Damages to the environment and 2) Tax evasion and loss of revenue.

<b>1) Damages to the environment</b>	<p><b>33 respondents</b> consider forestry crime as being very important compared to other crimes when looking at damages to the environment. <b>13 of them</b> classified it as important.</p> <p><u>Below are some examples listed by respondents to support their statement:</u></p> <ul style="list-style-type: none"> <li>• Diminishing the beneficial functions of forests for environmental protection</li> <li>• Irrational deforestation lead to imbalances in nature (draught, soil erosion, floods, loss of biodiversity, extinction of species, CO2 emissions)</li> </ul>
<b>2) Tax evasion and loss of revenues</b>	<p><b>24 respondents</b> consider forestry crime as being very important compared to other crimes regarding tax evasion or loss of revenues. <b>20 of them</b> classified it as important and one as moderately important.</p> <p><u>Below are some examples listed by respondents to support their statement:</u></p> <ul style="list-style-type: none"> <li>• Leads to loss of income for ROMSILVA</li> <li>• Destabilizes the forest economy</li> <li>• Decrease of revenues to the state budget</li> </ul>
<b>Others</b>	<p>Additional examples such as loss of jobs in the forestry sector, corruption, customs fraud and smuggling were mentioned. One respondent also outlined that forestry offenses are a much deeper problem of society due to its profound ramifications compared to, for example, to high violence crimes.</p>

### 3.1.1.3 Key actors involved in forestry crime (Enforcement chain + Civil society)

Known actors involved in forestry crime according to respondents:



It can be difficult to attribute forestry crime to organized crime, as it can encompass many different types of people/organizations, including the above mentioned (Small and Medium Enterprises, forest

workers, corrupt officials etc.).

One respondent added that forestry crime caused by poor citizens represents numerous cases without minor implications in terms of damage on the environment, corrupt officials and companies represent few cases with major implications regarding damages and organized crime, very few cases but with major implications.

## 3.1.2 National enforcement chain

### 3.1.2.1 Knowledge of the enforcement chain, implementation of national legislation and capacity/experience of authorities in tackling forestry crime

**How important is the fight against forestry crime for you and your respective unit/agency/authority (Enforcement chain):**

33 respondents Very important	14 respondents Important
----------------------------------	-----------------------------

**How would you grade your knowledge on forestry crime (Enforcement chain + Civil society):**

3 respondents Excellent	11 respondents Very good	28 respondents Good	7 respondents Fair
----------------------------	-----------------------------	------------------------	-----------------------

**How would you define the capacity of your organization in dealing with forestry crime (Enforcement chain)?**

8 respondents Very good	21 respondents Good	9 respondents Fair	9 respondents Poor
----------------------------	------------------------	-----------------------	-----------------------

Positive aspects that were mentioned include the expertise and knowledge of people in charge of fighting forestry crime but also the good cooperation on the ground at forest level between relevant institutions (joint actions).

Lack of resources was identified as a main weakness preventing a more efficient fight against forestry crime. **This encompasses: lack of financial support, equipment (cars, drones), lack of staff, to carry out investigations on the spot for example, and lack of training. The dense, complex and changing legislative framework was also outlined as a difficulty (inadequate to the reality in the field, hard to apply in practice, permissive and easy to contest by offenders).**

The lack of effective cooperation in general is seen as another shortcoming, as well as corruption, with one respondent **highlighting the existence of some complicities between the forest staff and the owners, and between the personnel of the Ministry of Internal Affairs and the owners.**

**41 respondents have never taken part in a training session/program around law enforcement and better fighting forestry crime.** 6 respondents did at least once. One respondent pointed out the need for more frequent training proposing those should be organized according to geographical zones to discuss concrete problems.

**List of the relevant agencies/actors/institutions in Romania involved in fighting forestry crime<sup>41</sup>:**

<sup>41</sup> This list is based only on answers by respondents

Border police - Police - Gendarmerie - Forest Guards and National Environmental Guards - National custom agency - Romsilva

Private forest management enterprises - Forest directorates (State forest management enterprises) - Forest Fund administrators - Federations with forest related activities

Ministry of Environment - Ministry of Water and Forests - Ministry of finance/National Agency for Fiscal Administration - Ministry of Justice – Ministry of Internal Affairs - Romanian parliament (through the approval of the legal framework) - The supreme defense council of the country (by treating forest crime as an attack on national security)

Prosecutors - Directorate for Investigating Organized Crime and Terrorism - National Anti Corruption Directorate - The General Prosecutor's Office attached by the High Court of Cassation and Justice - National agency for fiscal administration

Non-Governmental Organizations (NGOs)

### 3.1.2.2 General knowledge about the legislation in relation to forestry crime

**How important are national and international legislation to prevent and fight forestry crime for you and your respective unit/agency/authority (Enforcement chain + Civil society)?**



**How would you grade your knowledge on existing European legislation on forestry crime (Enforcement chain + Civil society)?**



**How efficient are the legislations at discouraging forestry crime in your country (Enforcement chain + Civil society)?**



Though the legislative framework is considered as efficient and discouraging forestry crime in general, answers indicate that there are important shortcomings, as highlighted in the table on obstacles.

**This includes numerous gaps in the legal system for companies that do trade with wood material, a lot of room for interpretation of legal rules and contradictions within and between particular laws, low penalties in addition to the fact that the current legislation does not provide sufficient leverage to prove criminal activities.**

It was also outlined that private forest management enterprises are regulated subjectively and that the way they manage forests is deficient.

**One respondent also stressed that to establish the nature of the offence (the amount of damages) it requires the determination of stumps. In practice, this can only be done in collaboration with the perpetrator of the offence, which is not realistic.**

This respondent added also **that illegal transport of wood on public roads** (without documentation, for example), in present, **is not incriminated** (it is provided as a simple contravention), regardless of whether the origin of the goods is illicit or not.

Another respondent pointed out the need for radically modifying and fluidizing the SUMAL, **which is now unclear, ambiguous and interpretable, generating a series of administrative and legal conflicts between the economic operators in the timber market and state authorities.**

The one respondent from Civil Society claims that forestry legislation/sanctions/restrictions have done a lot in Romania in the recent period for discouraging illegal logging, and that it has become increasingly effective.

### 3.1.2.3 Cooperation along the enforcement chain

**How important is the cooperation along the enforcement chain to prevent and fight forestry crime for you and your respective unit/agency/authority (Enforcement chain):**

**38 respondents**  
Very important

**6 respondents**  
Important

Collaboration exists in diverse forms, for example through the “Forest Shield” Plan<sup>42</sup>. Another respondent mentioned that collaboration occurs on a case by case basis depending on the investigations and that joint actions are planned and organized to investigate forestry crime. On the occasion of days of gendarmerie, forest staff, prosecutors or judges are invited to participate in joint trainings. These trainings are meant to establish a unitary way of working, exposing cases in practice and identifying legal instruments to boost the fight against forestry crime. One respondent also outlined that there is a good collaboration between the prosecutors and the police, the latter exercising their research activity in the supervision of the former.

**How would you grade the existing level of cooperation on forestry crime (Enforcement chain)?**

**1 respondent**  
Excellent

**14 respondents**  
Very good

**19 respondents**  
Good

**5 respondents**  
Fair

**5 respondents**  
Poor

**How is information shared along the enforcement chain (Enforcement chain)?**

13 respondents outline that information along the enforcement chain is shared via intranet systems and meetings. Regarding the quality and fluidity of the exchange, some respondents stressed the need for improvement, and the need to establish a strategy, prioritize actions and standardize the way of collaboration.

### 3.1.2.4 Cooperation with Non-Governmental Organizations (NGOs) (Enforcement chain)

Respondents were asked to assess their cooperation with Non-Governmental Organizations (NGOs). Three major types of answers were received:

<sup>42</sup> The Forest Shield plan is a inter-agency cooperation program where different agencies/authorities have a common action plan to address illegal logging



1. **16 respondents pointed out that cooperation with NGOs is good and helpful.** They mentioned NGOs are more capable of identifying forest crime than before, that they regularly send petitions and complaints and that work relationships with them are transparent. One respondent even added that he is interested in getting support from NGOs' during investigations and providing NGOs with actionable data. In addition, one respondent outlined the very good collaboration between the forestry administration and NGOs, materialized in the elaboration of a catalog of virgin and quasi-virgin forests, a process that is still in progress.
2. On the other hand, one respondent expressed that NGOs can make tendentious complaints, or raise third party concerns that cannot be substantiated, another one mentioned that NGOs are more active but inefficient, because of amateurism and sometimes lack of evidence provided. Concerns were also raised that some NGOs heavily manipulate the public opinion, distorting the reality in the field. Finally, one respondent mentioned that some NGOs, few in numbers, are judging all forest management interventions without real proof/arguments, stating that some NGOs are aiming to destabilize the functioning of forest administration, through false information circulating via mass media/anonymous complaints, or even worse, by possibly assaulting forest staff.
3. **For 11 respondents, cooperation is non existent or has not happened yet.**

**Respondents were also asked how helpful they considered substantiated concerns from NGOs.**

**18 respondents expressed concerns are (very) helpful as they facilitate rapid investigations and possibly detection of forestry crime but that they are not always confirmed or fully valid.**

#### **3.1.2.5 Cooperation between the NGOs and the enforcement chain (Civil society)**

No answer was received for this question by the respondent belonging to civil society.

### 3.1.3 Types of forestry crimes: modus operandi and occurrence (Enforcement chain + Civil society)

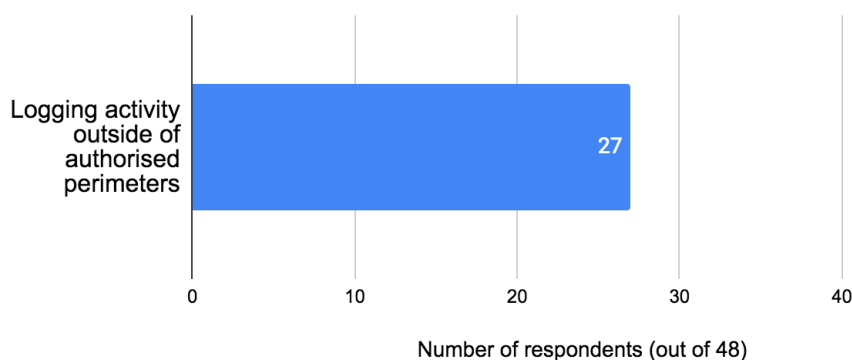
Respondents were asked to select modus operandi for forestry crime that they are aware of in Romania.

A list of modus operandi based on a literature review and concrete cases is available in **annex 2**. Below is a summary of the modus operandi most commonly selected/chosen by respondents. Some examples reported by respondents are provided in addition to better illustrate these criminal methods.

According to the answers received the most common modus operandi are:

- 1. Transport of the illegally harvested wood without a transport ticket.**
- 2. Logging of unauthorized trees in forest stands earmarked for felling.**
- 3. Logging activity outside of authorised perimeters” (not the perimeters described in the official documents).**

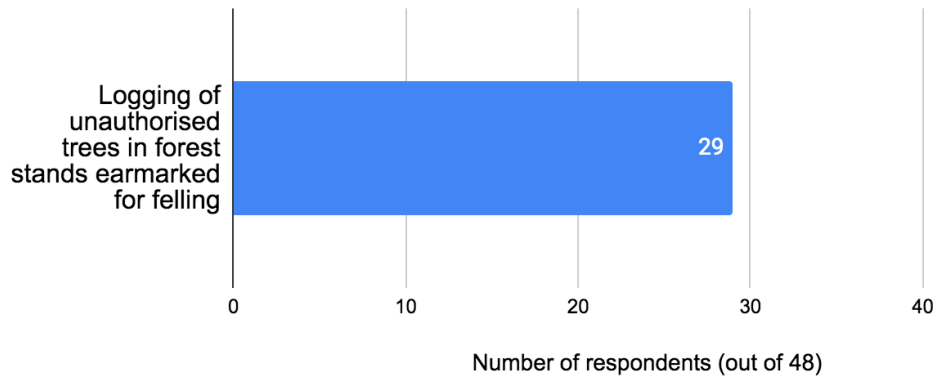
#### Boundary



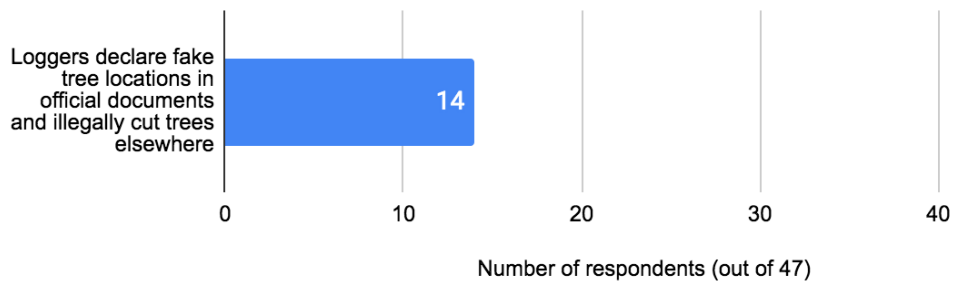
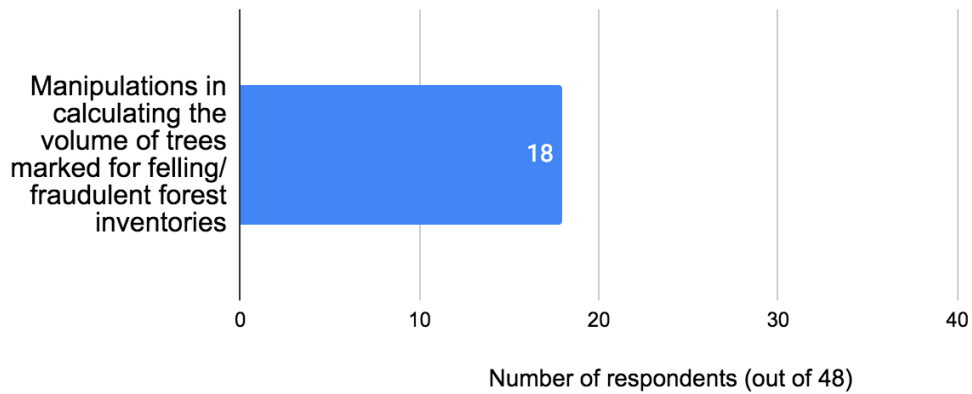
**Example:** In 2017, a company exceeded the limits of the harvesting site justifying that the limits were unclear in the field, and a criminal investigation started. Because the company paid the value of the damage, the trial ended as a non-criminal prosecution.

## Conditions for logging

---

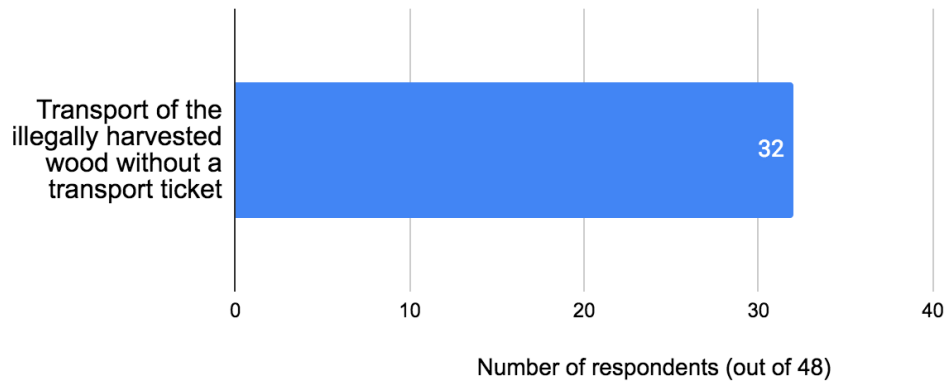


**Example:** Unauthorized tree logging can be encountered during care works of young tree stands (especially thinning), accidental dispersed products, sanitary fellings, etc., where the number of extracted trees is large, with small diameters, especially in pure softwood/spruce stands, where the control of compliance with harvesting rules is more laborious (also areas covered are large and require longer time to detect illegally cut trees by the concession holders).

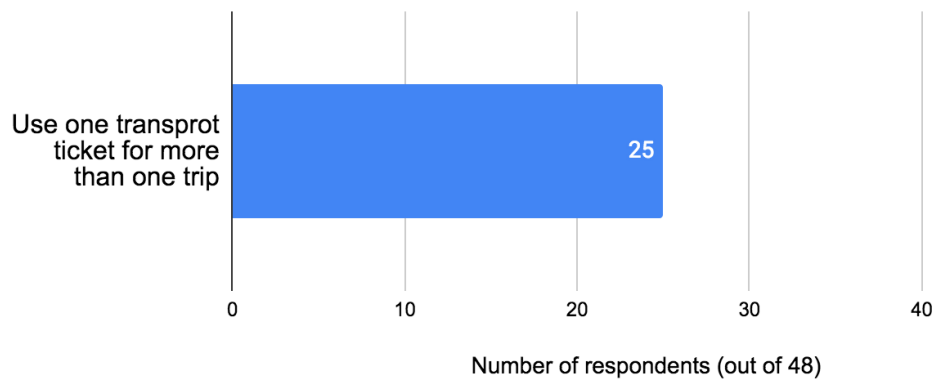


## Transportation

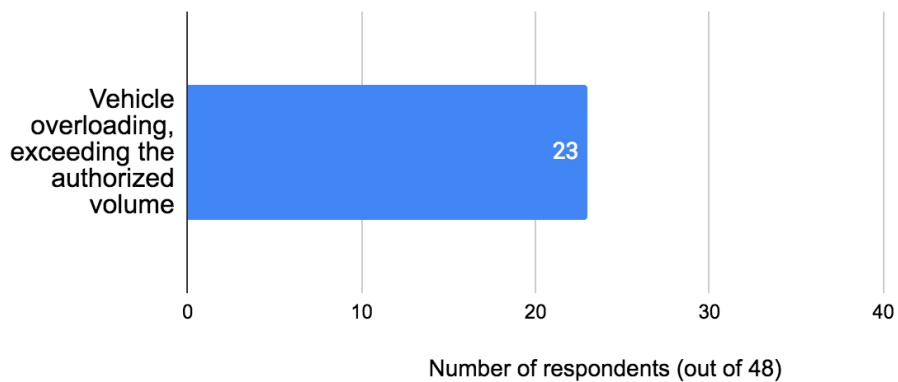
---



**Example:** Wood transport without papers especially happens for horse drawn carriage in the surrounding areas of the forest fund, at night or in the morning.

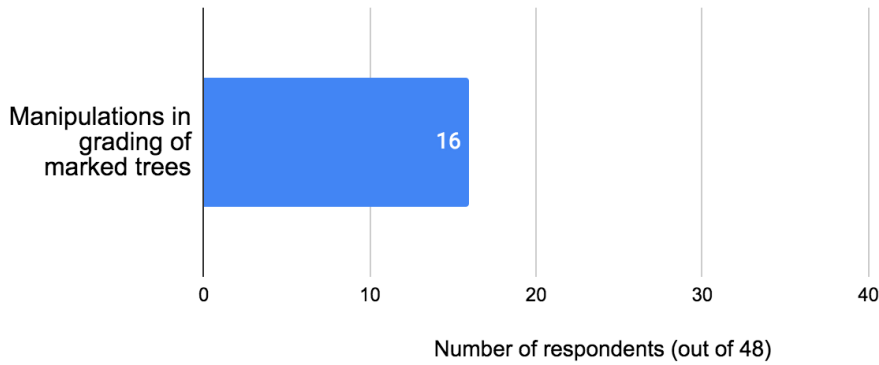


**Example:** False declarations of destination points are made by those who issue the delivery documents/online codes, then the timber is being unloaded at closer locations which permits multiple transports based on a single code/document. These illegalities occur frequently.



## Taxes, fees & royalties

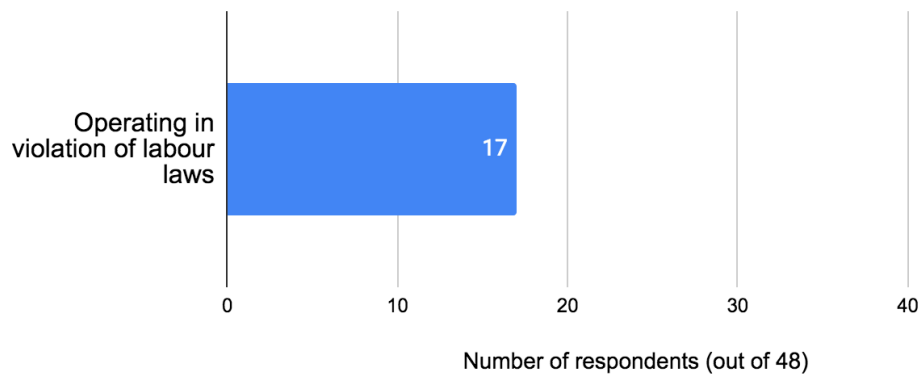
---



**Example:** Economic agents have a lot of “room for maneuver”, since their harvest limit is based on estimations and not on the real harvest result. Having 2 or more harvesting sites at once gives companies/agents more ways to confuse control bodies. The most frequent case is when economic agents operate concurrently in harvesting sites contracted with Romsilva (state) on one hand and on harvesting sites contracted with private Forest Management Enterprises on another hand.

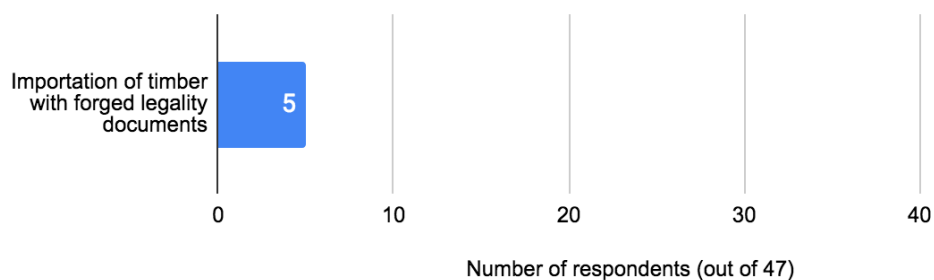
## Labour

---



## Trade

---



### 3.1.4. Main obstacles for effective law enforcement (Enforcement chain + Civil society)

Stakeholders were asked to list the main obstacles for effective law enforcement/fighting forestry crime along the enforcement chain. The full list of obstacles but also recommendations for improvements listed by respondents can be found in annex 4. **Below we present a summary of the main obstacles identified by respondents for each category of the enforcement chain.**

<p><b>Customs/ Borders</b></p>	<ul style="list-style-type: none"> <li>• Lack of specialized human resources/staff.</li> <li>• Lack of information exchange between the National Customs Authority and other nodes of the enforcement chain.</li> </ul>
<p><b>Forests</b></p>	<ul style="list-style-type: none"> <li>• Overregulation and burdensome red-tape procedures in the field of forest management.</li> <li>• Too much bureaucracy preventing efficient field checks.</li> <li>• Existence of some complicities between the forest staff and forest owners and between the personnel of the</li> <li>• Ministry of Internal Affairs and forest owners, leading to forestry crimes linked to corruption.</li> <li>• Some forests belong to different owners and are not included in the forest fund, which represents an incentive to harvest these areas through clearcutting.</li> <li>• Shortcomings in the design of SUMAL.</li> <li>• The big problem is how to promote legal activity that generates revenue, so companies and individuals are not tempted into illegal practices. The big challenge for any project/government is to provide positive policy for supporting the legal sustainable forestry, and timber industry that creates surplus value – instead of escalating violence through promoting “control and command” instruments, and negative discourses using words like “crime”</li> <li>• Lack of digitalization and standardisation of measurement procedures.</li> <li>• Insufficient salaries.</li> </ul>
<p><b>Police/ Investigation</b></p>	<ul style="list-style-type: none"> <li>• Lack of training, specialization, resources, interest and motivation of relevant staff.</li> <li>• Lack of checks on wood transports.</li> <li>• Cases do not reach the court due to the lack and difficulty to obtain the necessary evidence to formulate the accusation.</li> <li>• Lack of measures to prevent labour accidents during harvesting activities, as health and safety laws/regulations are not followed properly.</li> <li>• At level of rural communities, especially on specific days or times of the week, there are no controls being made to detect fraudulent activities, leaving the door open for people committing breaches.</li> <li>• Lack of follow-up/investigation, after the identification/detection of violations at forest level.</li> <li>• From the analysis of the criminal files, it was found that the bodies with attributions in the detection of forestry offenses notify the bodies of criminal prosecution very late in relation to the date of the commission of the crimes, an aspect which makes the investigations carried out more difficult.</li> </ul>
<p><b>Justice/ Prosecution</b></p>	<ul style="list-style-type: none"> <li>• Poor cooperation with technical experts.</li> <li>• Lack of judicial experts.</li> <li>• Sequential and fragmented approach to forest crime.</li> </ul>

	<ul style="list-style-type: none"> <li>• There is an acute shortage of independent forestry experts at national level (the ones providing technical expertise, calculating damages etc.). Processes are delayed for many years because the expert reports are not submitted.</li> <li>• Violations detected are not systematically sanctioned in court.</li> <li>• No more confiscation of vehicle used for transport of illegal timber, due to legal modifications.</li> <li>• Court sentences against forestry violations are not stringent. Sometimes sanctions are no longer considered under the criminal law, especially in the case of smaller damages caused to the national forest fund.</li> <li>• Extremely complex legislation that mixes the criminal and administrative laws. The forest legislation is constantly changing, permissive, incoherent, interpretable, difficult to apply in reality, easy to contest by offenders and does not provide sufficient leverage for proving criminal activities in the forestry field.</li> <li>• The method to calculate damages and establish the nature of the offence requires to identify the stumps where violations occurred. Concretely, this can only be done in collaboration with the alleged offender/perpetrator (illusory collaboration in most cases).</li> <li>• Illegal transport of wood on public roads (without documentation, for example) does not lead to severe sanctions (offenders are given a simple contravention), regardless of whether the origin of the goods is illicit or not.</li> <li>• Attention is deflected from the big cases towards lots of small cases. Courts are flooded with small crimes.</li> </ul> <p>We have not heard of big trials with arguments in court – substantial debates concerning high-profile accusations and prosecutions. These are hidden under the carpet, and generally acquitted.</p>
--	---

<p style="color: red; margin: 0;">Anti-corruption</p> <p style="color: red; margin: 0;">Anti-fraud</p> <p style="color: red; margin: 0;">Money laundering</p>	<ul style="list-style-type: none"> <li>• Collaboration with technical experts.</li> <li>• Political interference in public administration and policies.</li> <li>• Difficult penetration of the criminal environment and limited institutional cooperation.</li> <li>• The money laundering legislation is extremely unclear, and judicial practice/prosecution cannot compensate for this lack of clarity.</li> </ul>
---	--

**Besides the gaps listed by stakeholders along the supply chain, corruption was mentioned several times as being an underlying (critical) issue that allows many of the forestry crimes to happen as they currently do.**

Cooperation along the enforcement chain is also identified as an area requiring improvement, through better institutional cooperation between the actors involved in combating the criminal phenomenon including through joint specialization activities and the use of secure direct communication channels.

## 3.2 MAIN OUTCOMES FROM THE WORKSHOP

During the national workshop with representatives from authorities along the enforcement chain, that took place in Bucharest on October 29-31 2019, participants identified additional obstacles. They are presented below:

### 3.2.1 Additional obstacles identified during the workshop

- Percentages of efficiency reported into the SUMAL (by processing companies) can be fake.
- The traceability system is not used properly, generally 1% of waybills are checked, and this creates a favourable framework for illegal actions.
- Breaches/violations of the transport regulation do not lead to criminal sanctions.
- There are two main issues with the SUMAL system:
  - It is not systematically used for control (there are no key performance indicators for control personnel);
  - It does not address the current loopholes (see modus operandi), and does not include solutions such as photographic documentation of wood transport, which can be used for checking the authenticity of transporters declaration regarding quantities and qualities.
- There is no cadastre for forests.



# 4. ANALYSIS



## **4.1 PUBLICLY AVAILABLE INFORMATION AND DATA**

### **4.1.1 What are available information and data**

Regarding the literature review in part 2, we explored the different sources made available in English for: forest context and the national country situation regarding forestry crime in Romania, policy and legal framework on forests and main drivers of forestry crime. The Food and Agriculture Organization of the United Nations were used to reference general/background elements on the situation of forests in the country and the situation about policy and legal framework, as well as official sources, such as the National Forest Inventory, along with academic papers.

Regarding estimates on forestry crimes and associated risks, official figures from State Authorities, like the Court of Auditors, as well as academic papers, reports from internal organizations like the United Nations Environment Program and NGOs publications (such as WWF and the Environmental Investigation Agency) were used to give an overview of the range of estimates about illegal logging and forestry crime. This information is not always very recent, although the vast majority of the sources used date from the decade 2010-2020.

This shows that there are a rather important amount of information available in English from official sources (such as state authorities), academic papers, international organizations and NGOs reports addressing specifically the issue of forestry crime in Romania.

### **4.1.2 How does the publicly available literature compare with the outcomes from the surveys and the workshop**

Overall, answers and inputs from both respondents to the survey and participants to the workshop reflect the situation on forestry crime in Romania depicted by literature and publicly available information.

Despite the rather long list of estimates about percentages/figures concerning forestry crime listed in the literature review, none of these figures were provided/used by participants, which can be interpreted as a lack of agreement on a common set of figures and data.

Also, no respondents mentioned the illegal restitutions of lands, including forests, as an aggravating factor that could explain forestry crime.

Finally, results on modus operandi correspond to the ones of the literature review, although the abuse of sanitary regulations was not really pointed out by respondents and participants.

## 4.2 WWF'S ANALYSIS

**First of all, it is crucial to notice that corruption is seen by respondents and participants to the workshop as a critical common denominator and aggravating factor concerning forestry crime.**

**For now, recruitment of forest staff is not made in a transparent manner. Conflicts of interest are too frequent, and so are political interferences in public administration and policies. This prevents and jeopardizes the fight against forestry crime, as forestry crime and corruption are interlinked phenomena, amplifying each other.**

### General context

Forestry crime is acknowledged as a major and significant issue by respondents, although the severity of it can be perceived differently. Respondents provided different opinions on whether forestry crime was a growing, stable or decreasing problem.

Some respondents provided data/figures relevant to their field and scope of activity (at regional or sub-regional level) and extrapolated them to draw conclusions on overall trends for forestry crime in Romania - **an approach that has its limits and which shows the absence of agreed figures amongst stakeholders**. This is underpinned by the fact 10% of the respondents felt not in the position to provide an assessment of the severity of forestry crime in Romania due to the lack of figures on illegal logging at national level.

**The absence of a cadastre for forests, a poorly funded forestry sector, the administrative fragmentation of the national forestry fund** (the result of the restitution process - not yet completed) **along with the fact that some forests belong to different owners and are not included in the national forest fund, create pre-conditions that facilitate illegal logging and forestry crime.**

There is also a quite complex social environment with communities living in energy poverty and who are highly dependent on firewood for heating. **Official statistics related to the use of firewood compared to production and market availability of firewood have major differences, suggesting that a significant part of the used fire wood comes from unknown potentially illegal sources.**

Forest guarding regulation, even if recently changed to exclude forest rangers liability, is still very old fashioned and considers forest management units as the main responsible for forest guarding.

### Actors involved in forestry crimes and organized crime

**A wide variety of actors involved in forestry crime was listed showing that forestry crime can be carried out by different people from diverse social backgrounds and organizations, and can occur in multiple forms.**

Although 60% of the respondents stated citizens/locals were involved in illegal logging, this should not be interpreted as if this represents 60% of the “damages” to forests. Indeed, the results of the questionnaire are only indicative, and to get clear figures, a scientific analysis would be needed. Also, a difference should be made between illegal logging for “own use” and involvement in organized crime. Indeed, the scale of the damages (both regarding forest destruction and tax evasion) is more important in the case of organized crime, compared to smaller offences by citizens.

**Nevertheless, poverty related forestry crimes seem to be quite common and widespread, thus making it an important problem at national level.** In addition, some “poor” offenders may also be linked or work for an organized crime structure, showing that attributing the illegal logging to organized crime can be a challenge.

**On top of that, the existence of some complicities between the forest staff and forest owners and between the forest staff and State Authorities exacerbate the issue of corruption and the forestry crime related to it.**

### **Knowledge and capacity of the enforcement chain**

The fight against forestry crime is important for all respondents. However, **answers indicate that the capacity to fight forestry crime is insufficient (half of the respondents estimate their capacity to be only fair or poor), showing a significant discrepancy between their mission and the reality on the ground.**

**Close to 90% of the respondents have never taken part in a training session/program around law enforcement and better fighting forestry crime,** which likely impacts both their capacity (possibly lack of expertise) as well as personal motivation. The latter was mentioned several times as an obstacle.

**The low salaries for the forest staff increase the chance of corruption and negatively impact personnel’s motivation.** There is nowadays a shortage of specialized staff which makes it difficult to react promptly and in real time after offences are committed, and capacity building is not identified as a priority. There is also a lack of technical equipment, including tools to perform controls more easily.

### **Cooperation along the enforcement chain and the role of NGOs/CSOs**

**Almost all respondents consider cooperation along the enforcement chain as (very) important to prevent and fight forestry crime, but close to 1/4 of them assessed the level of cooperation as fair or poor only, showing a strong need for improvement.**

Shortcomings in cooperation were often identified by people working at judicial level but not necessarily by people investigating forestry crimes on the ground, highlighting differences in coordination and cooperation depending on the places/points in the enforcement chain.

More generally, **interdisciplinary events such as workshops and seminars as well as inter-institutional working groups, are missing or not developed enough. Prosecutors, investigators and forest staff are not sufficiently connected to each other and there are no liaison/contact person designated amongst each authority.** Intersectoral protocols for collaboration between institutions may be missing, and where they already exist, they are not used to their full potential.

There are also cases where **there is a lack of trust between different actors involved in fighting forestry crime** (e.g. foresters are perceived to be one of the sources of the problem and law enforcement authorities are perceived to be weak and not always interested in assisting foresters). **This hampers a good and trustful collaboration.**

**Relevant tools and databases,** containing information about offences, offenders/recidivists, status of investigations, important stakeholders etc. **are not implemented for now and not sufficiently encouraged,** despite the fact that they could be of a great value for the enforcement chain, through facilitating the flow of information, identifying good practices etc.

As an example, WWF has built and maintained a dedicated online platform where all risks of illegal logging have been identified and mitigation measures have been proposed as solutions to be used by interested stakeholders or companies in their due diligence system. This map was the first one of its kind developed in Romania. The platform, including the methodology, should have been updated by authorities considering more recent information on cases, gravity or volumes of illegal logging identified, **but this has not happened and the platform is now outdated due to lack of use.**

Despite the fact that a few responses show a certain level of distrust between the state institutions and NGOs about quality of work or motives for engagement, results highlight that **one third of the respondents see NGOs as knowledgeable and helpful “partners” in detecting forestry crimes and consider concerns (very) helpful as they facilitate rapid investigations and possibly detection of forestry crimes.** Cooperation between state institutions could be improved and better streamlined, possibly through further group meetings that could benefit both NGOs and authorities, **as 1/4 of the respondents mentioned that cooperation is non-existent or has not happened yet.**

### **The legislative framework & EU Timber Regulation**

**More than 3/4 of the respondents believe the law/legislative framework is efficient in tackling forestry crime, which is relatively high.** This tendency may be explained by the recent reforms of the forest code, the implementation of the SUMAL system amongst other measures, all meant to better tackle forestry crime. **On the other hand, many loopholes and weaknesses were identified that prevented action against illegal logging to be as effective as it should.**

Several shortcomings exist in the way timber harvesting and timber trade are being managed and controlled. **The inventory and marking of trees demands a lot (too much) time and resources.**

Controls require many resources, especially for the field inventories and investigations. **Some procedures could take months or years for evidence that is not even submissible in court.** Even when the facts are evident, the offender is usually difficult to identify.

The legislative framework itself is complex (diversity of normative acts for example), and contains many unclaritys and shortcomings, and does not facilitate the detection and prosecution of offenders. **The forest legislation is constantly changing, permissive, incoherent, interpretable, difficult to apply in reality and easy to contest by offenders.**

For example in case of illegal logging, offenders must be caught while perpetrating the offence, corresponding stumps must be identified and damages must exceed a value limit of 5 m<sup>3</sup> to be considered a crime. If these conditions are not fulfilled, the offender usually gets away with a simple administrative fine.

Another example: **illegal transport of wood on public roads** (without documentation, for example) **does not lead to criminal sanctions** (offenders are given a simple contravention), regardless of whether the origin of the goods is illicit or not.

The current system also offers opportunities for forestry operators to transport a higher volume than the one stated in their pre-paid contract. **Less than 1% of the wood transports from the forest to market are actually verified through primary delivery documents by those with control responsibilities.**

At another level, due to calculation methods and errors in field measurements, estimation of volume is also imprecise. **Legally, the margin of error when determining the volume of “standing”**

**trees exceeds  $\pm 20\%$ , and depending on the objectivity of the assessor, the actual margin of error could exceed  $+50\%$ .**

**The current marking-based control system does not focus on controlling the first placing on the market of wood and using the wood transport footprint. At present, marking trees under the control system allows the use of false markings, an offence that is practically impossible to prove in court.**

**Finally, the current legislation does not protect those working at forest level. Recent events (see context in part 2) showed that forest rangers are facing significant risks while performing their duty.**

## **SUMAL**

The SUMAL has been a significant change in the fight against forestry crime. However, some gaps and loopholes still limit its efficiency and potential, including how it is used by relevant authorities and the fact that it is not being used for controlling the wood placement on the market.

**The SUMAL is not used properly by agencies having a duty of control, as generally only 1% of the timber delivery documents are checked, creating a pre-conditions for illegal actions. Alerts generated by SUMAL are for the moment not circulated to all the relevant authorities and a transparent monitoring system established to handle them is still lacking. The delay in sending coordinates with the location of the timber, the possibility to issue a second waybill despite the fact that the first one may have not been validated, or the possibility for processing companies to report fake percentages of efficiency, are additional loopholes, hindering this wood traceability system. For now, the establishment of checks does not follow enough a risk-based approach that would help to prioritize checks based on objective and transparent criteria.**

## **Judicial system**

**Results have shown that there is an obvious lack of prosecution in relation to forestry crime cases. Evidence provided by relevant staff is usually not being considered in court or has no serious consequences. Sometimes, cases do not even reach court due to lack of reliable and actionable evidence to formulate the accusation.** Due to a fragmented approach to forest crime and lack of judicial experts, obtaining adequate evidence is difficult.

**Sanctions are usually not issued under the criminal law, especially in the case of smaller damages caused to the national forest fund. On top of that, trials are very long and courts consider this kind of crime with indulgence. People working at justice level are not well informed/aware enough of the harmful and deleterious effects of not sanctioning forestry crimes. Small-scale loggers are the ones usually sued in courts for forest related crimes, and attention is focused on the number of cases instead on being focused on their importance/magnitude.**

**Courts handle a significant amount of small crimes and the big players are not discouraged and not targeted.**

Judges are usually influenced by what they see in the media, and words like mafia and organized crime also tend to frighten the persons in charge with prosecution. **There is a clear lack of significant trials, and as a consequence no substantial debates concerning the accusation of high-profile people. Such “cases” are generally hidden and acquitted. In addition, the possibility of penetration into organized crime is low, due to lack of resources and corruption issues.**

## Investigations and controls

As this was previously expressed, the control system in Romania is not oriented on the first placement on the market segment, which would simplify the checking process and increase the likelihood to detect illegal timber. **Timber is being controlled in the forests, which is quite complex, instead of targeting companies manipulating/processing the wood.**

**Due to a lack of specialized staff/experts and resources, pre-investigation tends to be weak and do not generate solid evidence.**

There is a lack of follow-up/investigation, after the identification/detection of violations at forest level and a long delay between the moment the offence is witnessed and the moment it is reported for prosecution.

Overregulation and burdensome red-tape procedures sometimes hinder controls' efficiency. The use of satellite images, coordinates, GPS on cars, could help investigation bodies. At present time, timber testing is not used as a way to provide reliable and additional evidence for court cases. **Appropriate performance indicators were not introduced for staff with control responsibilities, and there is a lack of transparency following controls and on the results obtained** (absence of a public database with the result of controls/criminal record of operators).

## Modus operandi to carry out forestry crimes

**Techniques used to carry out illegal logging and related trade are plentiful and in constant evolution.** This ranges from cutting outside of concessions areas, abuse of authorized harvesting limits, harvesting on illegally restituted lands/forests, abuse of sanitary felling, underestimation of wood volume and quality etc.

But in light of the answers and discussions with respondents, key stakeholders have a fair level of knowledge about types of forestry crime which allows in principle to tackle them much better.

In terms of proportion, fewer respondents selected modus operandi belonging to the trade part, this indicates that the relation of illegal logging to trade is lesser known or that, or that timber, at that point, has already been made legal and can be exported as such.

# ANNEXES



## **Annex 1:** **Overview and summary of the main gaps identified**

Based on the answers gathered from the questionnaire, outcomes of discussions from the workshop in Bucharest and analysis by WWF, we listed below the main gaps identified that prevent from properly and effectively combating forestry crime. These gaps were organized in different categories for more clarity.

### **Resources and knowledge**

- The capacity to fight forestry crime for relevant authorities is insufficient at all levels, showing a significant discrepancy between mission/ intention and reality on the ground.
- Close to 90% of the respondents have never taken part in a training session/program around law enforcement and better fighting forestry crime, which likely impacts both their capacity (possibly lack of expertise) as well as personal motivation. The latter was mentioned several times as an obstacle.
- The low salaries for the forest staff increase the chance of corruption and negatively impact personnel's motivation. There is nowadays a shortage of specialized staff which makes it difficult to react promptly and in real time after offences are committed, and capacity building is not identified as a priority.
- There is also a lack technical equipment, including tools to perform controls more easily and carry out stringent investigations.

### **Methodology**

- The current marking-based control system does not focus on controlling the first placing on the market of wood and using the wood transport footprint. At present, marking trees under the control system is time consuming in terms of resources and allows the use of a false markings, an offence that is practically impossible to prove in court.
- Due to calculation methods and errors in field measurements, estimation of volume is also imprecise. Legally, the margin of error when determining the volume of "standing" trees exceeds  $\pm 20\%$ , and depending on the objectivity of the assessor, the actual margin of error could exceed  $+50\%$ .

### **Social**

- Corruption is seen by respondents and participants to the workshop as a critical common denominator and aggravating factor concerning forestry crime.
- Recruitment of forest staff is not made in a transparent manner. Conflicts of interest are too frequent, and so are political interferences in public administration and policies. This prevents and jeopardizes the fight against forestry crime, as forestry crime and corruption are interlinked phenomena, amplifying each other.
- There is no sufficient protection for people uncovering offenses, considering the risks they are exposed to.

### **Organization of the forest sector**

- The absence of a cadastre for forests, the administrative fragmentation of the national forestry fund (the result of the restitution process - not yet completed) along with the fact that some forests belong to different owners and are not included in the national forest fund, create pre-conditions that facilitate illegal logging and forestry crime.

## **Legislative framework**

- The legislative framework is complex (diversity of normative acts for example), and contains many unclarities and shortcomings, and does not facilitate the detection and prosecution of offenders. The forest legislation is constantly changing, permissive, incoherent, interpretable, difficult to apply in reality and easy to contest by offenders.
- In case of illegal logging, offenders must be caught while perpetrating the offence, corresponding stumps must be identified and damages must exceed a value limit of 5 m<sup>3</sup> to be considered a crime.
- Illegal transport of wood on public roads (without documentation, for example) does not lead to criminal sanctions (offenders are given a simple contravention), regardless of whether the origin of the goods is illicit or not.
- The current legislation does not protect those working at forest level. Recent events (see context in part 2) showed that forest rangers are facing significant risks while performing their duty.

## **SUMAL**

- The SUMAL is not used properly, as generally only 1% of the waybills are checked, creating a pre-conditions for illegal actions.
- Alerts generated by SUMAL are for the moment not circulated to all the relevant authorities and a transparent monitoring system established to handle them is still lacking.
- The impossibility to track the final consumer, the delay in sending coordinates with the location of the timber, the possibility to issue a second waybill despite the fact that the first one may have not been validated, or the possibility for processing companies to report fake percentages of efficiency, are additional loopholes, hindering this wood traceability system.

## **Modus operandi and actors involved in forestry crime**

- The techniques used to carry out illegal logging and related trade are plentiful and offenders are “creative” in finding ways to contravene the law. This ranges for example from cutting outside of concessions areas, abuse of authorized harvesting limits, harvesting on illegally restituted lands/forests, abuse of sanitary felling or underestimation of wood volume and quality.
- Poverty related forestry crimes seem to be quite common and widespread, thus making it an important problem at national level. In addition, some “poor” offenders may also be linked or work for an organized crime structure, showing that attributing the illegal logging to organized crime can be a challenge.

## **Judicial**

- Results have showed that there is an obvious lack of prosecution in relation to forestry crime cases. Evidence provided by relevant staff is usually not being considered in court or have no serious consequences. Sometimes, cases do not even reach court due to lack of reliable and actionable evidence to formulate the accusation.
- The judicial system (but not only) focuses too much on small-scale loggers and big players are not discouraged and not targeted. There is a clear lack of significant trials, and as a consequence, no substantial and public debates concerning the accusation of high-profile people.
- Due to a fragmented approach to forest crime and lack of judicial experts, obtaining adequate evidence is difficult.
- Sanctions are usually not issued under the criminal law, especially in the case of smaller damages caused to the national forest fund.
- Trials are very long and courts consider this kind of crime with indulgence.

- People working at justice level are not well informed/aware enough of the harmful and deleterious effects of not sanctioning forestry crimes.
- The possibility of penetration into the organized crime is low, due to lack of resources and corruption issues.

### **Cooperation**

- Almost all respondents consider cooperation along the enforcement chain as (very) important to prevent and fight forestry crime, but close to ¼ of them assessed the level of cooperation as fair or poor only, showing a strong need for improvement.
- Interdisciplinary events such as workshops and seminars as well as inter-institutional working groups, are missing or not developed enough. Prosecutors, investigators and forest staff are not sufficiently connected to each other and there are no liaison/contact person designated amongst each authority.
- Intersectoral protocols for collaboration between institutions may be missing, and where they already exist, they are not used to their full potential.
- Relevant tools and databases, containing information about offences, offenders/recidivists, status of investigations, important stakeholders...are not implemented for now and not sufficiently encouraged, despite the fact that they could be of a great value for the enforcement chain, through facilitating the flow of information, identifying good practices.
- Results highlight that one third of the respondents see NGOs as knowledgeable and helpful “partners” in detecting forestry crimes. However ¼ of the respondents mentioned that cooperation is non-existent or has not happened yet, which proves cooperation between state institutions and NGOs/CSOs could be improved and benefit both parties.

### **Investigation and controls**

- The current system also offers opportunities for forestry operators to transport a higher volume than the one stated in their pre-paid contract. Less than 1% of the wood transports from the forest to market are actually verified through primary delivery documents by those with control responsibilities.
- The establishment of checks does not follow enough a risk-based approach that would help to prioritize checks based on objective and transparent criteria.
- Due to a lack of specialized staff/experts and resources, pre-investigation tends to be weak and does not generate solid evidence.
- There is a lack of follow-up/investigation, after the identification/detection of violations at forest level and a long delay between the moment the offence is witnessed and the moment it is reported for prosecution.
- Overregulation and burdensome red-tape procedures sometimes hinder controls’ efficiency.
- At present time, timber testing is not used as a way to provide reliable and additional evidence for court cases.
- Appropriate performance indicators were not introduced for staff with control responsibilities, and there is a lack of transparency following controls and on the results obtained (absence of a public database with the result of controls/criminal record of operators).

**Annex 2:**  
**Literature review - modus operandi to carry out forestry crime in Romania**

<b>Modus Operandi to conduct illegal logging and forestry crimes (methods used)</b>
<b>BOUNDARY</b>
<b>Cutting outside of concessions areas</b> (EIA, 2015)
Others (please specify)
<b>CONDITIONS FOR LOGGING</b>
<b>Illegal logging in national parks and other protected areas</b> (EIA, 2015)
<b>Harvesting site with the type of harvest authorized was not listed publicly</b> (EIA, 2015)
<b>Abuse of authorized harvesting limits – overcutting.</b> Cutting beyond the limits of what is allowed under a particular cutting permit (APV) is one of the most common violations in the Romanian forest sector (EIA, 2015)
<b>Illegal restitution</b> A 2013 report from the Romanian government auditing agency, the Court of Accounts, estimated that around 20% of all restitutions of forest land between 1990 and 2012 were illegal. This means that the timber harvested from around 9% of all forests in Romania is by definition illegal, given it was cut from land stolen from its true owners (EIA, 2015)
<b>Abuse of sanitary regulations – bark beetle infestations</b> In many cases across Romania, loggers have cited bark beetle infestations to fraudulently acquire permits for logging of healthy, commercially valuable trees. In some cases, loggers clear cut an entire area including healthy trees (see Case #12: Sâmbăta, p.23), while in more extreme cases loggers have facilitated the spread of these beetles into healthy forests in order to obtain authorization for sanitary cutting (EIA, 2015)
<b>Abuse of cleaning regulations – clearing of “accidental” fallen logs</b> Romanian forest regulations allow for the clearing of wood felled by “accidental” causes, meaning trees that have fallen due to strong winds, landslides, avalanches, etc. While “accidental” harvests took place on over 500,000 hectares of forests in Romania in both 2012 and in 2013, in only 4.2% of cases had Romanian forest officials conducted the required on-site check prior to collection. There is suspicion that in 2012/2013, over 6 million m <sup>3</sup> of timber was harvested illegally in Romania under the guise of “accidental” harvesting (EIA, 2015)
<b>Lack of stamps during harvest</b> Unmarked trees, not designated for harvest, are being logged. Examples include harvesting of unmarked trees during thinning operations for which illegal loggers may mark trees with fake stamps (EIA, 2015)
<b>Illegal clear cutting</b> (EIA, 2015)
<b>Cutting near and destroying very sensitive freshwater streams and ecosystems</b> (EIA, 2015)
<b>Polluting logging sites with contaminants</b> (EIA, 2015)
<b>Clear-cutting where this practice is not allowed</b> (EIA, 2015)
<b>Overestimation of the real age of stands</b> with the purpose of including some valuable forests in the harvesting plan (WWF, 2005)

<p><b>Registration of a small canopy coefficient (forest density) of the stand with the purpose of including them into the harvesting plan for clear cuttings.</b> A stand with low canopy coefficient indicates the necessity of reconstruction of the forest, which allows to clear-cut and reforest the area (WWF, 2005)</p>
<p><b>Harvesting wood which normally must be harvested in two to four cuttings in one single cutting</b> (shelterwood system felling) (WWF, 2005)</p>
<p><b>Artificial growth of the standing volume of the forest with the purpose of obtaining a bigger annual allowable cut.</b> This allows to cut less than the annual allowable cut but more than the correct value and to introduce the rest of the volume in the illegal wood circuit (WWF, 2005)</p>
<p><b>Incorrect registration of the forest in functional categories.</b> For instance registration of protection forest as production forest. These changes in registration aim to eliminate harvesting restrictions (WWF, 2005)</p>
<p>An area of 300.000- 350.000 ha of afforested pasture lands is not included in the national forest fund but is instead considered as pasture. Clear cuts are allowed in these areas, making it an important source of wood with illegal provenience (WWF, 2005)</p>
<p><b>Underestimation of wood volume and quality:</b>  - underestimation of total volume (underestimation of height and diameter of the trees marked for logging)  - underestimation of the average wood quality, leading to smaller official prices for high quality trees (WWF, 2005)</p>
<p>Others (please specify)</p>
<p><b>TRANSPORTATION</b></p>
<p><b>Creation of false paperwork/transportation documents to cover the transport of logs in excess of contracted amounts</b> (EIA, 2015)</p>
<p><b>Absence of source documents</b> (EIA, 2015)</p>
<p><b>Lack of stamps and documentation during transport</b>  According to Romanian law, all logs with a diameter greater than 20 cm must be stamped with a number corresponding to an accompanying transportation document (<i>aviz</i>). However, lack of transportation stamps makes it impossible for police or a receiving company to confirm the legal origin of a given shipment of timber during transport  In one common scenario, logging trucks make multiple trips under a single <i>aviz</i>, meaning that two or three times the legally permitted quantity can be smuggled (EIA, 2015)</p>
<p>Others (please specify)</p>
<p><b>TAXES, FEES AND ROYALTIES</b></p>
<p>/</p>
<p><b>TRADE</b></p>
<p>/</p>

[WWF Danube Carpathian Programme., 2005. Illegal logging in Romania. 17 pages.](#)  
[Environmental Investigation Agency., 2015. Stealing the last forest: Austria's largest timber company, land rights and corruption in Romania. 44 pages](#)

**Annex 3:**  
**Comprehensive list of modus operandi identified by respondents (in black colour)**

--> Percentages indicate the proportion of respondents who selected specific modus operandi when replying to the questionnaire.

<b>Modus Operandi to conduct illegal logging and forestry crimes (methods used)</b>	<b>Additional comments (please add any information/detailed references to public reports linked to the methods you selected)</b>
<b>BOUNDARY</b>	
<b>Logging activity outside of authorised perimeters</b>	<p><b>27 respondents</b></p> <ul style="list-style-type: none"> <li>• There is the possibility that the holders of the harvesting authorizations related to some harvesting sites, to exceed their limits and to illegally harvest wood from other forest areas, facts that can be considered as criminal offenses, depending on the value of illegally cut trees. This aspect can be found especially in the cutting of main products, in which all the trees are extracted from the harvesting site, where they can be exceeding the limits of the harvesting site, by "translating" them, illegally, considering that it is not usually used the round marking forestry devices, for marking each extract tree, but only using square marking deposits, or boundaries of landscaping plots or sub-plots , which could be more easily forged.</li> <li>• At county level, there was a case in 2017 when a company has exceeded the limits of the harvesting site justifying that the limits were unclear in the field. In this case a criminal case has been drawn up. Because the guilty ones paid the value of the damage, the trial ended with the non-criminal prosecution (the wood material was not transported from site). Also in 2017 was a similar case with one of our harvesting team; the wood material was not transported and the case is ongoing.</li> <li>• Abusive markings followed by tree cuts made by forestry personnel of private FME, in areas owned by the state abusive forest fund registration followed by harvest without right with implication of private FME.</li> </ul>
<b>Others</b>	Modification of limits or non-existent limits that allows perimeter identification.
<b>CONDITIONS FOR LOGGING</b>	
<b>Logging of unauthorised trees in forest stands earmarked for felling</b>	<p><b>29 respondents</b></p> <ul style="list-style-type: none"> <li>• Hiding, by various methods, the stumps from these trees.</li> <li>• Such situations can be encountered during care works of young tree stands (especially thinning), accidental dispersed products, hygiene cuttings, etc., where the number of extracted trees is large, with small diameters, especially in pure softwood trees, where the control of compliance with the forest rules for harvesting the wood is more laborious, the areas covered are large and require longer time to detect illegally cut trees by the holders of the operating authorization.</li> <li>• In our forest directorate and in total, in the first 3 quarters, the volume illegally harvested is very small, just 35.6 m<sup>3</sup>.</li> <li>• Contraventions and offenses are frequently contested followed by classifying cases in court.</li> <li>• Referrals of criminal investigation bodies resulted in most cases with "unknown author" and classification.</li> </ul>

	<ul style="list-style-type: none"> <li>At county level, in the first 3 quarters of this year we only have 3 findings of forest contraventions.</li> </ul>
<b>Manipulations in calculating the volume of trees marked for felling/ fraudulent forest inventories</b>	<p><b>18 respondents</b></p> <ul style="list-style-type: none"> <li>The deliberate undervaluation of the dendrometric elements that underlie the preparation of the volume estimation documents.</li> <li>Underestimation of dendrometric elements.</li> <li>Hard to prove. There is no coherent and systematic system of verification of volume estimation documents.</li> <li>Inventories verification is made sporadically through sampling.</li> <li>These situations can be met, if the intentional recording in the inventory books of some trees that have been marked for extraction is omitted, or by the distortion (with minus) of some dendrometric elements essential for the calculation of the volume (diameters, heights, quality classes, etc.). This leads to a dangerous crime link because it attracts more "actors". In these situations, the verification of the mass evaluation works becomes very necessary and can prevent such illegal acts.</li> </ul>
<b>Base timber harvesting activities on incorrect wood stock data listed in Forestry Management Plans</b>	<p><b>11 respondents</b></p> <ul style="list-style-type: none"> <li>The forest legislation and the technical norms of managing the forests confine the description of the arboretum elements in the subunit (ua) and provide for the collection of the land data on the basis of which the volumes are estimated by general methods (sample squares), which, especially in the trees located outside the decennial plans, may differ much from the volume calculated at a given time if all the trees from the respective tree would be harvested by one at the time, precisely considering the estimative character of these works. Thus it is found that in the case of calamity factors such as wind felling on compact surfaces, in pre-harvesting trees, the volumes calculated by inventories at the time of the valuation are different from those estimated in the parcel descriptions from the forest management plans. In these cases, it is necessary to inform the designer who has elaborated the forestry planning and the higher decision-making forums, as the case may be, in order to record these realities in FMP. It is certain, however, that forest management plans cannot be constituted, at least for the time being, as situations of patrimonial management of certain volumes, demandable, of timber, the possible theft of wood material being clearly established on the basis of the inventory piece by piece of tree stumps extracted without right from the national forestry fund, the calculation of damages also being established by special normative acts (laws, government decisions, minister orders, etc.)</li> <li>Unfounded notifications, contrary to the contractual provisions formulated by the logging companies regarding the non-result of the logging authorized for harvest. the purpose is not to pay the whole wood mass.</li> </ul>
<b>Logging in protected areas, on steep slopes, river system buffer areas, protected tree species etc.</b>	<b>14 respondents</b>
<b>Logging in excess of permit or concessions quotas</b>	<b>15 respondents</b>
<b>Logging with forged or re-used permits</b>	<b>7 respondents</b>
<b>Obtaining permits through bribes</b>	<b>9 respondents</b>

<b>Concealing and laundering illegally harvested wood through the establishment or expansion of plantations</b>	<b>3 respondents</b>
<b>Credits issued for more timber than the logging authorisation grants</b>	<b>6 respondents</b> <ul style="list-style-type: none"> <li>• There have been complaints in this regard but no irregularities have been found following the reinventory. the suspicions were due to the fact that in certain situations, for certain harvesting sites, they were offered during the auction prices above the normal ones</li> </ul>
<b>Loggers declare fake tree locations in official documents and illegally cut trees elsewhere</b>	<b>14 respondents</b> <ul style="list-style-type: none"> <li>• Downloads of the quantities of wood by the economic agents from other harvesting sites than those from which they were actually harvested in order not to pay in full the wood from the harvesting sites in question or pursuing other interests. The most frequent case is when the agents operate concurrently in harvesting sites contracted with Romsilva (state) and harvesting sites contracted with private FME.</li> </ul>
<b>Others (please specify)</b>	<ul style="list-style-type: none"> <li>• Illegal logging and theft of wood material.</li> <li>• Harvesting the wood from accidental products without observing the legal provisions regarding the marking and verification of the classification of the wood as accidental products especially in the private forest fund.</li> </ul>
<b>TRANSPORTATION</b>	
<b>Transport of the illegally harvested wood without a transport ticket</b>	<b>32 respondents</b> <ul style="list-style-type: none"> <li>• Wood materials come mainly from private forests without a security contract.</li> <li>• Referring to control of wood transports, at county level, the forestry staff applied 36 contraventional sanctions and confiscated 113 m<sup>3</sup>.</li> <li>• Wood transport without papers especially on horse drawn carriage in the surrounding areas of the forest fund, at night or in the morning.</li> <li>• Very frequent situations especially after the changes in legislation regarding the seizure of vehicle used for transport.</li> <li>• For the 3 quarters of current year the forestry personnel together with police and gendarmerie applied 40 sanctions of contraventions, 212 cub meters being seized.</li> </ul>
<b>Vehicle overloading, exceeding the authorized volume</b>	<b>24 respondents</b> <ul style="list-style-type: none"> <li>• It is found especially on covered vehicles which can be stopped only by the police.</li> <li>• Hard to prove, especially if the transport contains same volume and species.</li> <li>• Frequent situations especially from those companies that are using vehicles with large capacity, followed by complaints regarding lack of wood mass resulted from harvest.</li> </ul>
<b>Use one transport ticket (including electronic) issued for a specific trip with validity of X hours, for more than one trip</b>	<b>25 respondents</b> <ul style="list-style-type: none"> <li>• Frequent situations caused by legal framework which stipulates long terms of validity of wood transport. False declarations of destination points made by those who issue the delivery documents/online codes, the timber being unloaded at closer locations which permits multiple transports based on a single code/document.</li> </ul>
<b>Transport of the illegal harvest from the forest</b>	<b>15 respondents</b>



<p><b>with a paper transport ticket, and not an electronic one, increasing the chance of fraud</b></p>	
<p><b>Have two different trucks (one with the illegally harvested wood) travelling with one electronic transport ticket at the same time in the same direction but along different roads.</b></p>	<p><b>7 respondents</b></p> <ul style="list-style-type: none"> <li>It is possible considering the law regarding seizure of vehicle is hard to apply due to actual conditions of organization of those with control attributes.</li> </ul>
<p><b>TAXES, FEES AND ROYALTIES</b></p>	
<p><b>Manipulations in grading of marked trees</b></p>	<p><b>16 respondents</b></p> <ul style="list-style-type: none"> <li>At this time there is no clear correlation and easy to apply in practice between the dimensional sorting of the marked for harvest based on the 4 quality classes by the forestry personnel and the industrial sorting, so that after the received of the wood operated and sent, the resulting assortments did not significantly agree with the provisions of the volume estimation documents on assortments.</li> </ul>
<p><b>LABOUR</b></p>	
<p><b>Operating in violation of labour laws at any steps of the supply chain, from harvest to export.</b></p>	<p><b>17 respondents</b></p>
<p><b>TRADE</b></p>	
<p><b>Importation of timber with forged legality documents</b></p>	<p><b>5 respondents</b></p>
<p><b>Importation of CITES listed timber species without or with forged CITES permits</b></p>	<p><b>2 respondents</b></p>
<p><b>Importation of timber without proper documents (such as licence/permit of company involved in import and export, fees)</b></p>	<p><b>2 respondents</b></p>
<p><b>Importation of</b></p>	<p><b>3 respondents</b></p>

<b>falsely-labeled timber across EU borders (obfuscating species/source of timber)</b>	
<b>Imports from suppliers who are unable to provide documentation of legal harvest/transportation/payment of taxes etc.</b>	<b>2 respondents</b>
<b>Import of tree species whose harvest is prohibited in the country of origin</b>	<b>1 respondent</b>
<b>Import of timber under a form which is banned in the country of origin (such as bans on logs exports).</b>	<b>4 respondents</b>
<b>Exporting without valid or complete documentation</b>	<b>4 respondents</b>
<b>Export of unregistered illegal timber by using falsified certificates of origin.</b>	<b>4 respondents</b>
<b>False declaration on products types to bypass/violate export bans</b>	<b>4 respondents</b>
<b>OTHERS (please specify)</b>	
	<ul style="list-style-type: none"> <li>• Export of higher quantities than the ones in papers and collecting the value of the additional amount through bank accounts located in tax havens</li> </ul>

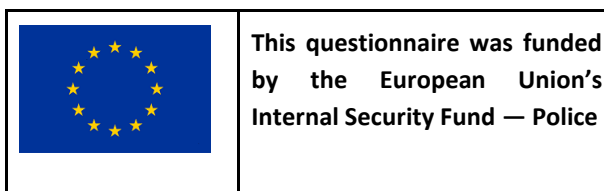
**Annex 4:**  
**Comprehensive list of gaps and recommendations identified by respondents (in black colour)**

	Key gaps	Recommendations for improvement
<b>Customs/ Borders</b>	<ul style="list-style-type: none"> <li>● Lack of specialized human resources/staff.</li> <li>● Lack of information exchange between the National Customs Authority and other nodes of the enforcement chain.</li> </ul>	<ul style="list-style-type: none"> <li>● Set up cooperation protocols</li> <li>● Encourage specialized training in the field of forestry crime / effective prevention and fights against corruption</li> </ul>
	Key gaps	Recommendations for improvement
<b>Forest</b>	<ul style="list-style-type: none"> <li>● Overregulation.</li> <li>● Too much bureaucracy preventing efficient field checks.</li> <li>● Lack of expertise from technical staff.</li> <li>● Workers dedicated to detecting forest offenses are few, without proper training and without equipment.</li> <li>● Existence of some complicities between the forest staff and forest owners and between the personnel of the Ministry of Internal Affairs and forest owners, leading to forestry crimes linked to corruption.</li> <li>● Some forests belong to different owners and are not included in the forest fund, which represents an incentive to harvest these areas through clearcutting.</li> <li>● Shortcomings in the design of SUMAL.</li> <li>● Unadapted technical norms(related to forestry, such as harvesting, timber transportation) in comparison to the actual context.</li> <li>● The legal framework for properties under 10 ha does not require a Forest Management Plan.</li> </ul>	<ul style="list-style-type: none"> <li>● Analyze the existing forest policy and review/reformulate it.</li> <li>● Inclusion of the “out of scope” forests into the National Forest Fund.</li> <li>● Reducing bureaucracy.</li> <li>● Adapting of legal framework to actual situation and current context.</li> <li>● Improvement and updates of technical norms.</li> <li>● Deliver more trainings to relevant staff.</li> <li>● Increase the staff number.</li> <li>● Launch anti-corruption actions.</li> <li>● Real implication of forestry directorate representatives.</li> <li>● Improvements in the digitalization and standardisation of measurement procedures, more transparency needed, online records, more financing of relevant research.</li> <li>● Policy should be promoted to encourage improvements on the LEGAL activities – how to do better legal forestry, more transparent and efficient -- how to help logging companies acquire environment-friendly technology, how to increase added value of commodities – the kind of measures that instead of chasing criminals and punishing them – to encourage people involved in forestry to pursue a rewarding legal forest activity, to be able to make a clean business instead of perpetrating crime.</li> </ul>
	Key gaps	Recommendations for improvement
<b>Police/ Investigation</b>	<ul style="list-style-type: none"> <li>● Lack of training, specialization, resources, interest and motivation of relevant staff.</li> <li>● Shortage of police units to fight forestry crime.</li> <li>● Lack of checks on wood transports.</li> </ul>	<ul style="list-style-type: none"> <li>● Staff specialization in forestry crime, delivering of more trainings and increase of police staff.</li> <li>● Appointment of staff dedicated to</li> </ul>

	<ul style="list-style-type: none"> <li>• Cases do not reach the court due to the lack of the necessary evidence to formulate the accusation.</li> <li>• There is no capacity to process the information resulting from the implementation of technical surveillance measures.</li> <li>• Lack of measures to prevent labour accidents during harvesting activities, as health and safety laws/regulations are not followed properly.</li> <li>• At level of rural communities, especially on specific days or times of the week, there are no controls being made to detect fraudulent activities, leaving the door open for people committing breaches.</li> <li>• Obtaining adequate evidence is difficult.</li> <li>• Lack of follow-up/investigation, after the identification/detection of violations at forest level.</li> <li>• Low possibility of penetration of the criminal environment.</li> <li>• Timber is being controlled in the forests, which is quite complex, instead of targeting companies manipulating/processing the wood.</li> <li>• From the analysis of the criminal files, it was found that the bodies with attributions in the detection of forestry offenses notify the bodies of criminal prosecution very late in relation to the date of the commission of the crimes, an aspect which makes the investigations carried out more difficult.</li> </ul>	<p>forestry offenses (such as forestry police) working closely with prosecutors.</p> <ul style="list-style-type: none"> <li>• Access and use satellite imagery more.</li> <li>• Although there is a dedicated structure within the General Inspectorate of Police to combat forestry crime, no notable results were achieved. The way of approaching investigations should be rethought. Such improvements will helped investigations aimed at forestry macro-crime.</li> <li>• Resume collaboration with bodies operating in the field of specific information collection (SRI-the Romanian intelligence service).</li> <li>• Allow the gendarmerie to conduct checks on transports (trucks) not only on the forest roads but also in traffic (public roads).</li> <li>• Finding and applying sanctions through the establishment of militarized and armed structures at county level.</li> <li>• At county level, need for a forestry office with dedicated personnel to only work on forestry issues (a police unit at county level focusing specifically on forestry crime).</li> <li>• Higher salaries / a system of bonus rewards (but NOT equal for a poor person with 2 logs, and a company with two trucks).</li> </ul>
	<b>Key gaps</b>	<b>Recommendations for improvement</b>
<b>Justice/ Prosecution</b>	<ul style="list-style-type: none"> <li>• Poor cooperation with technical experts.</li> <li>• Lack of judicial experts.</li> <li>• Sequential and fragmented approach to forest crime.</li> <li>• There is an acute shortage of independent forestry experts. Processes are delayed for many years because the expert reports are not submitted.</li> <li>• Violations detected are not systematically sanctioned in court.</li> <li>• No more confiscation of vehicle used for transport of illegal timber, due to legal modifications.</li> <li>• Court sentences against forestry violations are not stringent. Sometimes sanctions are no longer considered under the criminal law, especially in the case of smaller damages caused to the national forest fund.</li> <li>• Preventive measures of deprivation of liberty makes investigations and judgement of cases more difficult.</li> <li>• Trials are extremely long (there are cases where the preliminary chamber procedure exceeds 1 year),</li> </ul>	<ul style="list-style-type: none"> <li>• Establishment of forest offices within the county police inspectorates, specialization of prosecutors.</li> <li>• Review the legal framework to make it more efficient and flexible, along with high sanctions/punishments.</li> <li>• Increase the staff capacity, including for prosecutors.</li> <li>• Encourage the use of forensic methods.</li> <li>• Application of the existing protocol between forestry specialists /prosecutors</li> <li>• Encourage three-dimensional or even four-dimensional approach to forest crime (judicial-technical-financial)</li> <li>• Taking legal measures on corruption cases and taking action on root causes (staff motivation - loyalty and specialization - removing political pressure on public servants).</li> </ul>

	<p>and the penalties are extremely low (application of punishments with the suspension of execution in most cases), and the root causes being multiple: the courts consider this kind of crime with indulgence; there is a palpable fear of the judge, "encouraged" to adopt solutions that do not "upset".</p> <ul style="list-style-type: none"> <li>● Extremely complex legislation that mixes the criminal and administrative laws. The forest legislation is constantly changing, permissive, incoherent, interpretable, difficult to apply in reality, easy to contest by offenders and does not provide sufficient leverage for proving criminal activities in the forestry field.</li> <li>● The method to calculate damages and establish the nature of the offense requires to identify the stumps where violations occurred. Concretely, this can only be done in collaboration with the alleged offender/perpetrator (illusory collaboration in most cases).</li> <li>● Illegal transport of wood on public roads (without documentation, for example) does not lead to severe sanctions (offenders are given a simple contravention), regardless of whether the origin of the goods is illicit or not.</li> <li>● People working at justice level are not well informed/aware enough of the harmful and deleterious effects of not sanctioning forestry crimes.</li> </ul>	<ul style="list-style-type: none"> <li>● Amend Law 46/2008, in order to eliminate the minimum value provided by art. 107 and 109 necessary for the deed to be a crime.</li> <li>● Have a national database/online system of public records of the control results (according to EUTR provisions) that includes maps of forested areas, information on forestry crimes committed, as well as data on people who have committed such crimes in the past. Thus, it will be possible to identify vulnerable national areas from the point of view of forestry offenses and measures can be taken to counteract the criminal phenomenon. At the same time, it will be possible to establish possible routes that are used occasionally by people who commit such crimes.</li> <li>● Introduce in the forest legislation a new law to sanction the penetration into the forest fund / forest vegetation outside the forest fund, with cutting tools, without having this right, to solve cases where authors, being detected on the spot with sawmills / axes, are defend by saying that the wood was already cut by other people.</li> <li>● It is necessary to improve and simplify the traceability of wood materials from the harvesting place to the final destination by radically modifying and fluidizing the SUMAL Program, which is now unclear, ambiguous and interpretable, generating a series of administrative and legal conflicts between the economic operators in the timber market and state authorities.</li> </ul>
	<b>Key gaps</b>	<b>Recommendations for improvement</b>
<b>Anti-corruption</b> <b>Anti-fraud</b> <b>Money laundering</b>	<ul style="list-style-type: none"> <li>● Collaboration with technical experts.</li> <li>● Political interference in public administration and policies.</li> <li>● Difficult penetration of the criminal environment and limited institutional cooperation.</li> <li>● The money laundering legislation is extremely unclear, and judicial practice/prosecution cannot compensate for this lack of clarity.</li> </ul>	<ul style="list-style-type: none"> <li>● Strengthening the fight against corruption and fraud.</li> <li>● Better institutional cooperation between the actors involved in combating the criminal phenomenon</li> <li>● Restructuring of legislation in the field of money laundering.</li> <li>● Establishment of specialized bodies.</li> <li>● Specific trainings.</li> </ul>

## Annex 5: Questionnaire for the national enforcement chain



### Questionnaire: national enforcement chain

#### Definition of forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption, and money laundering<sup>43</sup>.

In this questionnaire, forestry crime refers to this definition, with a specific focus on timber (other wildlife crimes involving wild fauna and flora, except for timber, are out of the project scope).

**NB:** Please keep in mind that otherwise stipulated, all questions refer to forestry crime in a broad sense, thus including the import and export of illegal timber to/from other countries.

#### A. General knowledge about forestry crimes, illegal logging and trade on a national level:

1) How important is the fight against forestry crime for you and your respective unit/agency/authority?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

2) How would you grade your knowledge on forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

.....  
 .....  
 .....

3) Is forestry crime a growing problem in your country (both for domestic and imported timber) and what information/data do you have about the current trends related to it?

.....  
 .....  
 .....

<sup>43</sup> <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

4) Based on the information at your disposal and using existing data/figures if possible, please rank how important do you consider forestry crime to be compared to other crimes, concerning:

	<b>Please select between:</b> <ul style="list-style-type: none"> <li>● Not at all important</li> <li>● Moderately important</li> <li>● Important</li> <li>● Very important</li> </ul>	<b>Comments</b>
<b>Damage to the environment</b>		
<b>Tax evasion and loss of revenues</b>		
<b>Other (please specify)</b>		
<b>Other (please specify)</b>		

5) Who are relevant agencies/actors/institutions in your country involved in fighting forestry crime?

.....  
 .....  
 .....

6) How would you define the capacity of your/the above mentioned organizations in dealing with forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

.....  
 .....  
 .....

7) What are the types of illegal logging and forestry crime that you are aware of or that you had worked on personally? (this also includes the import and export of illegal timber)

*You can choose from the examples provided by deleting/adding methods relevant to your national context. In case you're referring to publicly reported cases, please provide references. We also invite you to add any types/methods of illegal logging you are aware of which may not be listed in this table.*

**Please see annex 3**

8) Please provide additional information regarding your/your organization's experience in handling these cases or about cases which had been prosecuted? *(Please select one or more between those marked as Yes in the third column and specify under which legislation have prosecutions taken place)*

.....  
 .....  
 .....

9) Based on the information at your disposal, who are known actors involved in forestry crime at your country level? *(For example: poor citizens, corrupt officials and businesses, organized crime, small medium enterprises, multinational companies etc. )*

.....  
 .....  
 .....

10) According to the information provided above and/or based on actual data, what are the top 3 forestry crime issues that you see in your area of work? Please explain and if possible, classify by order of importance.

1.	
2.	
3.	

**B. General knowledge about EU Timber Regulation and other legislation in relation to forestry crime**

11) How important are national and international legislation to prevent and fight forestry crime for you and your respective unit/agency/authority ?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

12) How would you grade your knowledge on existing legislation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

13) How effective are the legislations at discouraging forestry crime in your country? Please explain and provide additional details on the existing legislation, if needed.

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

.....  
 .....  
 .....

**C. Cooperation along the enforcement chain**

14) How important is the cooperation along the enforcement chain to prevent and fight forestry crime for you and your respective unit/agency/authority?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

15) Based on your experience, what type of cooperation exists between police, the Competent Authority, prosecutors and judges? (*Collaboration/ arrangements, regular exchange in-country, joint interforce training and with international networks/enforcement agencies*)

.....  
 .....  
 .....

16) How would you grade the existing level of cooperation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------



17) In your experience, please list the main obstacles for effective law enforcement / fighting forestry crime at the following levels as well as recommendations for improvement - *Please also list obstacles for better cooperation and explain how do you think cooperation could be improved at each level:*

	Main obstacles (please describe)		Recommendations for improvement (please describe)	
	At country level	At international level	At country level	At international level
Customs/Borders				
Forest (this includes the issuance of permits, preparation of management plans, timber harvesting, processing, transport etc. )				
Police/Investigation				
Justice/Prosecution (this includes the structure/design of relevant laws to fight forest crime)				
Anti-corruption/Anti-fraud/Money laundering				

18) How the information are shared along the enforcement chain (for example: intranet systems, secured communication channels, meetings etc.) and how do you think information sharing could be improved?

19) How do you assess your cooperation with Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs)? (*For example: are NGOs/CSOs more capable than before in identifying forest crimes, how often do they inform you about forest crimes etc.*)

20) How helpful are the substantiated concerns from NGOs in the frame of the EUTR?

21) Have you heard of, or participated in training about forestry crime/the relevant legislation to fight forestry crime? Please provide some information on your experience

22) Are the communication channels provided by INTERPOL (use of I-24/7) appropriate to share information on forestry related investigations?

If Yes, are you sharing forestry related information on a regular basis :

- with INTERPOL General Secretariat?
- with your National Central Bureau?

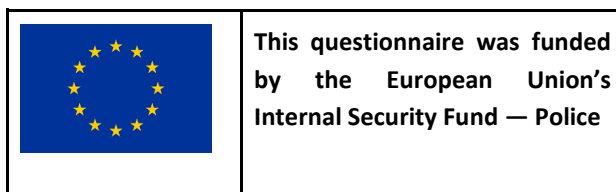
## **D. Conclusion**

23) What are the challenges in relation to prosecution of forestry related crimes? (*For example: are results from checks by authorities structured in a way so that they could be used in court? are breaches/violations detected by relevant authorities systematically sanctioned in court - if no, why? are fines imposed in court below maximum fines defined in national laws - if yes, why?*)

24) What are the challenges in relation to prosecution of EUTR violations concerning imported timber? (*For example: is it clear what constitutes an acceptable burden of proof? is it difficult to prove in court that a company did not do everything within its reach to mitigate all risks in the frame of their Due Diligence System? Is it difficult to address the fact that operators determine their own thresholds on the level of corruption they accept or tolerate in the frame of their DDS?*)

25) Do you think that there would be a potential for more cases related to forestry crime to be prosecuted under the existing legislations? If yes, what do you think would be necessary to increase the number of cases prosecuted?

## Annex 6: Questionnaire for Non Governmental Organizations/Civil Society Organizations



### Questionnaire: NGOs/CSOs

---

#### Definition of forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption, and money laundering<sup>44</sup>.

In this questionnaire, forestry crime refers to this definition, with a specific focus on timber (other wildlife crimes involving wild fauna and flora, except for timber, are out of the project scope).

**NB:** Please keep in mind that otherwise stipulated, all questions refer to forestry crime in a broad sense, thus including the import and export of illegal timber to/from other countries.

---

#### **A. General knowledge about forestry crimes, illegal logging and trade on a national level:**

1) How would you grade your knowledge on forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

.....  
 .....  
 .....

2) Is forestry crime a growing problem in your country (both for domestic and imported timber) and what information/data do you have about the current trends related to it?

.....  
 .....  
 .....

---

<sup>44</sup> <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

3) Based on the information at your disposal and using existing data/figures if possible, please rank how important do you consider forestry crime to be compared to other crimes, concerning:

	<b>Please select between:</b> <ul style="list-style-type: none"> <li>● Not at all important</li> <li>● Moderately important</li> <li>● Important</li> <li>● Very important</li> </ul>	<b>Comments</b>
<b>Damage to the environment</b>		
<b>Tax evasion and loss of revenues</b>		
<b>Other (please specify)</b>		
<b>Other (please specify)</b>		

4) What are the types of illegal logging and forestry crime that you are aware of or that you had worked on as an NGO? (this also includes the import and export of illegal timber)

*You can choose from the examples provided by deleting/adding methods relevant to your national context. In case you're referring to publicly reported cases, please provide references. We also invite you to add any types/methods of illegal logging you are aware of which may not be listed in this table.*

**Please see annex 3**

5) Based on the information at your disposal, who are known actors involved in forestry crime at your country level? (*For example: poor citizens, corrupt officials and businesses, organized crime, small medium enterprises, multinational companies etc.* )

.....  
 .....  
 .....

6) According to the information provided above and/or based on actual data, what are the top 3 forestry crime issues that you see in your area of work? Please explain and if possible, classify by order of importance.

1.	
2.	
3.	

---

**B. General knowledge about EU Timber Regulation and other legislation in relation to forestry crime**

7) How important are national and international legislation to prevent and fight forestry crime for your NGO?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

8) How would you grade your knowledge on existing legislation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

9) How effective are the legislations at discouraging forestry crime in your country? Please explain and provide additional details on the existing legislation, if needed.

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

.....  
 .....  
 .....

**C. Cooperation along the enforcement chain**

10) In your experience, please list the main obstacles for effective law enforcement / fighting forestry crime at the following levels as well as recommendations for improvement:

	Main obstacles (please describe)		Recommendations for improvement (please describe)	
	At country level	At international level	At country level	At international level
Customs/Borders				
Forest (this includes the issuance of permits, preparation of management plans, timber harvesting, processing, transport etc. )				
Police/Investigation				
Justice/Prosecution (this includes the structure/design of relevant laws to fight forest crime)				
Anti-corruption/Anti-fraud/Money laundering				

11) How do you assess your cooperation with relevant authorities/units fighting against forestry crimes? Please explain

12) In the frame of the EU Timber Regulation, have you already provided a substantiated concern to your national Competent Authority? If yes, how helpful was it? If no, why? Please explain

13) How often do you inform public authorities about forestry crimes? Please explain

14) Do you think your NGO is more capable than before in identifying forest crimes ? Please explain

---

#### **D. Conclusion**

15) What are the challenges in relation to prosecution of forestry related crimes? (*For example: are results from checks by authorities structured in a way so that they could be used in court? are breaches/violations detected by relevant authorities systematically sanctioned in court - if no, why? are fines imposed in court below maximum fines defined in national laws - if yes, why?*)

16) What are the challenges in relation to prosecution of EUTR violations concerning imported timber? (*For example: is it clear what constitutes an acceptable burden of proof? is it difficult to prove in court that a company did not do everything within its reach to mitigate all risks in the frame of their Due Diligence System? Is it difficult to address the fact that operators determine their own thresholds on the level of corruption they accept or tolerate in the frame of their DDS?*)

17) Do you think that there would be a potential for more cases related to forestry crime to be prosecuted under the existing legislations? If yes, what do you think would be necessary to increase the number of cases prosecuted?

**WWF'S MISSION IS TO STOP  
THE DEGRADATION  
OF THE PLANET'S NATURAL  
ENVIRONMENT AND TO BUILD  
A FUTURE IN WHICH HUMANS LIVE  
IN HARMONY WITH NATURE**



Working to sustain the natural world for the benefit of people and wildlife.

together possible. [wwf.eu](http://wwf.eu)

WWF European Policy Office, 123 rue du Commerce, 1000 Brussels, Belgium.

WWF® and World Wide Fund for Nature® trademarks and ©1986 Panda Symbol are owned by WWF-World Wide Fund For Nature (formerly World Wildlife Fund). All rights reserved.