

Romanian Parliament

Forest Code of Romania – amended 20th April 2012

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TITLE I

General Provisions

Article 1. - (1) All forests, afforestation of land, those that serve the culture, production or administration forest, ponds, streams and river beds, and other lands under forest and unproductive forest management plans contained in the January 1 1990 or later incorporated therein, under the law, is, regardless of ownership, national forest.

(2) According to para. (1), national forest include:

- a) forests;
- b) land regeneration under plantations established for forestry purposes;
- c) land for afforestation: degraded land and land without trees, established under the law to be forested;
- d) land that serve culture: nurseries, greenhouses, orchards and crops mother;
- e) land that serve forest production: willow crops, Christmas trees, ornamental trees and shrubs and trees;
- f) land administration that serve forest: hunting land for food security and production of feed, land use data in temporary forest personnel;
- g) land occupied by buildings and related courts: administrative offices, houses, fazanerii, trout, hunting interest livestock, forest roads and transport, industrial and other technical facilities of the forestry sector;
- h) ponds, beds of streams, as well as unproductive land included in forest planning;
- i) protection forest belts;
- j) junipers;
- k) wooded pastures consistency greater than or equal to 0.4, calculated only for the actual area occupied by forest vegetation.

(3) All lands are included in national forest lands with forest.

Article 2. - (1) are considered forests, in this Code, and are included in national forest land with an area of at least 0.25 ha, covered with trees, trees should reach a minimum height of 5 m at maturity in terms normal vegetation.

(2) The forest includes:

- a) forests covered in forest planning on 1 January 1990 and subsequently included them under the law;
- b) protection forest belts;
- c) junipers;
- d) wooded pastures consistency greater than or equal to 0.4, calculated only for the actual area occupied by forest vegetation.

Article 3. - (1) The national forest is, as appropriate, public or private property and national interest is best.

(2) Ownership of land is national forest shall be exercised in accordance with the provisions of this Code.

Article 4. - For purposes of this Code, definitions of terms used are provided in Annex, which is part of

this code.

Article 5. - Principles underlying sustainable forest management are:

- a) promote practices that ensure sustainable forest management;
- b) ensuring the continuous integrity of the forest and forest;
- c) increasing the land area under forests;
- d) stable long-term forest policy;
- e) ensuring continuity of adequate legal, institutional and management of forests;
- f) the primacy of environmental objectives of forestry;
- g) increasing the role of forestry in rural development;
- h) promoting fundamental natural type of forest biological diversity and ensuring the forest;
- i) harmonization of relations between forestry and other fields;
- j) support forest owners and stimulate their association;
- k) to prevent irreversible degradation of forests due to human actions and environmental factors destabilizing.

Article 6. - (1) The national forest is subject to the forest.

(2) forest vegetation on land outside the national forest is subject to technical standards for assessing forest wood and timber regulations on traffic.

(3) wood harvesting and forest vegetation recovery on land outside the national forest at the discretion of the owners, in compliance with par. (2).

(4) Legal and public institutions that benefit, in terms of economic, environmental or social effects of surrounding forest protection function other than those owned, pay according to the value of these functions regulated by special law.

Article 7. - (1) After ownership, national forest can be:

- a) forest public property;
- b) publicly owned forests to local governments;
- c) private forest property and individuals;
- d) privately owned forest local governments.

(2) private property forest fund local governments includes forested pastures included in the private domain of local governments, which, by operation of this Code, are included in the national forest.

(3) The transition from public forest lands of local governments in the private, the decision of the local council, county council, that the General Council of Bucharest.

(4) It is forbidden to include forests in localities.

Article 8. - The central public authority responsible for forestry is state forestry authority.

Article 9. - (1) The central public authority responsible for forestry specialist established regional structures.

(2) Name and regulation of territorial organization and operation of specialized central public authority responsible for forestry is approved by Government decision, the proposal.

(3) number of specialized technical personnel specialized territorial structures of the central public authority responsible for forestry shall be sized in relation to forest area and the number of owners.

(4) For an area of more than 12,000 ha forest, within its territorial specialized central public authority responsible for forestry to be hired forest engineer.

(5) subunits forest of central government authority responsible for forestry shall be established at regional level or district, with minimum area of forest, as follows:

- a) 60,000 ha in the plains;
- b) 120,000 ha in the hills;
- c) 180,000 ha in the mountains.

TITLE II

National forest management

Article 10. - (1) are mandatory management and forest service provision, as appropriate, to all forests, regardless of ownership, by forest districts.

(2) management and forestry services, as appropriate, to ensure the authorized forest districts, referred to as forest districts, which are of two types:

a) State forest districts - the structure of the National Forestry - Kerslake, who manages public property and forests that are established by it;

b) private forest districts are established under the law, the administrative-territorial units by natural or legal persons who own forest or associations formed by them.

(3) Forest Districts mentioned in par. (2) are public and can manage or provide forestry services, as appropriate, and other properties, based on contracts.

Article 11. - (1) The forest public property administered by the National Forest - Kerslake, an autonomous national interest, under the authority of the state, the central public authority responsible for forestry.

(2) Rules of Organization and Functioning of National Forestry - Kerslake is approved by Government Decision on the proposal of the central public authority responsible for forestry.

(3) The forest public property may be leased, except land on assets sold by the National Forest - Kerslake.

(4) National Forest - Kerslake may develop in forest public property that it manages, its administration nonspecific activities, only under the law.

(5) National Forest - Kerslake has the right to use forest land public property that it manages and for the establishment of game farms and hunting complexes, under the law.

(6) Lands acquired by the National Forest - Kerslake of public funds and fund forest conservation and regeneration become public property and as such intabuleaza.

(7) Income National Forestry - Kerslake consists of:

a) selling forest products and other specific economic activities;

b) other forest management, services and rental of goods, under the law;

c) compensation under the law;

d) donations, according to law;

e) counter effects of the protection functions of forests;

f) Compensation granted by the state budget;

g) other sources, according to law.

(8) The forest is administered public property and public research institutes and state educational institutions specialized in forestry.

Article 12. - The forest public property of local governments are given by private forest districts as autonomous works of local interest or forestry only specific contracts based on forest ranges of the National Forestry - Kerslake.

Article 13. - (1) For private forest property and individuals manage and / or forest services, as appropriate, is done by private forest districts, which functions similarly to associations and foundations, or under contract with other forest districts.

(2) Private Forest Districts mentioned in par. (1) can be both owners and their associations and can operate under Forest senior structures.

(3) senior forest structures became legal entities since their registration in the National Register of forest managers and forest districts.

Article 14. - (1) private Forest Districts mentioned in art. 12 and 13 have legal personality, prepare balance, its balance sheet, have annual budget of revenues and expenses separately available.

(2) The annual budget of revenues and expenses are approved by the sole owner of the local council or general meeting, as appropriate, the forest district proposal.

(3) management and legal representation is provided by the forest district chief of forests, called the sole owner or revoked by the local council or general meeting, as appropriate, with the central public authority responsible for forestry.

(4) Heads forest districts referred to in art. Article 10. (2) forest structures and senior managers must have assets of at least 5 years and 8 years as forest engineers with higher education in forestry.

Article 15. - (1) Forest Districts mentioned in art. Article 10. (2) is authorized by registering in the National Register of forest managers and forest districts, held at the central public authority responsible for forestry.

(2) Private Forest Districts public interest and acquire legal personality since their registration in the National Register of forest managers and forest districts.

(3) To acquire legal personality, forest districts mentioned in par. (2) concluded in prior statutes in authentic form, under penalty of nullity.

(4) the National Register of forest managers and forest districts, model documents constitution, organization and functioning of the establishment and authorization procedure for all forest districts and their powers approved by order of the head of the central public authority responsible for forestry.

(5) Income referred to in paragraph forest districts. (2) may be comprised of:

- a) selling forest products;
- b) providing services and rental of goods, under the law;
- c) the equivalent effects of the protection functions of forests;
- d) the annual fee to owners who have been;
- e) charges for services rendered;
- f) donations, according to law;
- g) the compensation awarded by the state or local;
- h) other sources, under the law.

Article 16. - (1) management and forestry services, as appropriate, to ensure compliance with the principle of territoriality.

(2) Forestry majority holding area within a locality shall, upon request, to ensure, through contract, forestry services for all forest owners in town that have not been round private forestry.

(3) In justified cases, private forest districts can provide forestry services and forest public property located within the competence of their management responsibility that back surfaces of the structure of forest districts of the National Forestry Kerslake.

Article 17. - (1) Compliance with forestry regime is compulsory for all forest owners.

(2) forest owners have the following obligations in applying to the forest:

- a) to ensure respect for forest planning and preparation;
- b) to ensure security and integrity of the forest;
- c) to perform work on forest regeneration;
- d) to perform maintenance work and management of trees;
- e) carry out works to prevent and control forest diseases and pests;
- f) to ensure that measures for preventing and extinguishing fires;
- g) to exploit the timber only after valuing, authorizing prosecution and release of specific documents by authorized personnel;
- h) maintenance and repair of forest roads that are in management or ownership;
- i) to delineate forest property according to property deeds and maintain appropriate signs in the border state;
- j) notify the territorial structures of specialized central public authority responsible for forestry, within 60 days of the transfer of ownership of forest land.

(3) In case of forest management by forest districts authorized obligations under par. (2) belong to them.

Article 18. - Owners of forest vegetation outside the forest have the following obligations:

- a) to comply with technical rules on assessing forest wood and wooden materials regarding traffic regulations;
- b) to provide care and protection of forest vegetation and its pest.

TITLE III

Sustainable forest management

CHAPTER I

Forest Planning

Article 19. - (1) The national forest management by forest management plans are regulated.

(2) The goals of forest management by forest management plans are established, in accordance with the environmental and socio-economic and respecting ownership of forests, exercised according to this Code.

Article 20. - (1) forest management plans are developed in the forest districts on the production units and / or protection, in compliance with technical standards development.

(2) The technical standards mentioned in par. (1) is developed by the central public authority responsible for forestry, with the following principles:

- a) going timber harvests;
- b) the principle of functional effectiveness;
- c) the principle of ensuring the conservation and improvement of biodiversity;
- d) economic principle.

(3) The validity of forest arrangements is 10 years, except prepared management plans for forests of poplar, willow and other species rapidly increasing, the period of validity is 5 or 10 years.

(4) The period of validity of other developing forbidden forest management plans for forests that forest management plans or part thereof, except as provided in technical standards.

(5) forest management plans prepared in accordance with par. (1) is made, as appropriate, one statement for each property.

(6) marks the boundary be established through regulations for forest planning and cadastre is the basis of the reference forest.

(7) Granituirea forest with the principles established by the Civil Code and does not apply within.

Article 21. - (1) Development of forest management is consistent with the landscaping plans approved by law.

(2) Development of forest management is under the direction and control of central government authority responsible for forestry.

(3) forest management plans are developed by specialized units certified by the central public authority responsible for forestry, and their values are supported by:

- a) forest administrator public property;
- b) the owner for areas larger than 100 ha.

(4) the development of forest management costs are borne by the state budget through the budget of the central public authority responsible for forestry, for areas exceeding 100 hectares of forested private property and individuals, whether or not included in the association.

(5) methodology or expense referred to in para. (4) is determined by joint order of the head of the central public authority responsible for forestry and the head of the central public authority for public finance.

(6) forest management for forest public property is developed by certified professional institutes and forest manager supports public property.

Article 22. - (1) forest management plans and their amendments are approved by order of the head of the central public authority responsible for forestry.

(2) annually between January 1 to 31, forest districts, forest structures and senior National Forest - Kerslake, as applicable, are required to submit the territorial subunits forest central authority responsible for forestry comparative situation of forest arrangements and actual silvicultural work in the previous year, at the unit level and unit production amenajistica.

(3) The reporting framework for comparative situation referred to in para. (2) approved by order of the head of the central public authority responsible for forestry.

Article 23. - (1) Forests, as defined by this Code, which, before the entry into force, made part of the forest vegetation outside the forest, is integrated in the production units and / or existing protection or they are in the production units and / or protection in November, if the conditions imposed by the technical rules for forest planning.

(2) identifying the obligation stipulated in paragraph forests. (1), by the time their arrangement in accordance with the provisions of this code is territorial structures specialized central public authority responsible for forestry, within 12 months after entry into force of this Code.

Article 24. - (1) In case of forest vegetation outside the forest and other land, the owner may choose to include them in the forest, in which forest management plans shall be prepared in accordance with this Code.

(2) changes in land referred to in para. (1) approved by order of the head of the central public authority responsible for forestry and is exempt from taxes.

Article 25. - (1) In relation to the functions they perform, forests fall into two functional groups:

a) Group I forests with special functions including protection of water, soil, climate and national interest objectives, forest recreation, forest protection and the genetic fund ecofondului and forests in protected areas of interest national;

b) Group II, which includes production forests and protection functions, in that it seeks high quality wood and other forest products, and, simultaneously, the environmental quality protection.

(2) The management of forests in each group is different in relation to the intensity and nature of assigned functions, established by forest planning.

CHAPTER II

Biodiversity Conservation

Article 26. - Conservation of biodiversity of forest ecosystems implies a measure of sustainable management by applying intensive treatment, which promotes natural regeneration of species such as fundamental natural forest and the virgin forest conservation and cvasivirgine.

Article 27. - (1) Establishment of protected natural areas of national interest, including and forests is done according to legal opinion by the central authority responsible for forestry.

(2) Forestry managing forests located inside a natural park or national park have priority in acquiring the right to manage these protected areas, under the law, if the total forest area is more than 50% of their surface.

(3) forest management plans prepared and approved under the law, the forest included in protected areas of national interest are part of the management plan, and their modification is approved only pursuant to Art. 22 para. (1).

CHAPTER III

Ecological reconstruction, restoration and care of forests

Article 28. - (1) ecological reconstruction, restoration and care of forests is done in accordance with the forest management and / or studies, studies grounded in accordance with specific technical standards.
(2) apply the forest the forest regeneration, aiming to preserve the genetic fund and ecofondului, making stands for quality and continuous exercise by them of the protection functions.
(3) is exempt from the provisions of par. (2) stands of native poplar, willow, acacia, and meadows in the regime allowed grove.

Article 29. - (1) logging races are allowed only in stands of spruce, pine, acacia, poplar, willow and in damp woods, and if substitution or restoration of trees, which is not possible the other treatments.
(2) In cases provided in par. (1), size razor cut surface is within 3 ha. Between razor cut surfaces will keep a distance of at least two tree heights.
(3) In the event of accidental products, flooring size is determined by the size of the area that has experienced damaging factor and how the effects of the surgery to remove it.
(4) Make a cut joining a race by cutting other race is allowed only after closing the massive state previously cut surface, if the solid state is not reached within a period of seven years from the first cutting is allowed joining race, on condition that full afforestation previously cut surface.
(5) races logging in national parks is prohibited.

Article 30. - (1) reforestation works and to supplement natural regenerations are executed no later than two growing seasons from single or final cut.
(2) works of regeneration, semintisurilor maintenance and care of plantations and trees must be constructed to compose-goal set by forest planning and / or studies.
(3) composition, afforestation schemes and technologies are established according to the rules of professional technical and / or approved specialized studies.
(4) regeneration are considered over the realization of solid state.

Article 31. - The means of production, marketing and use of forest reproductive material is regulated by special law, in accordance with the provisions in the field.

Article 32. - (1) If the owner fails to fulfill the obligation stipulated in Art. Article 17. (2). c) for reasons attributable to the central public authority responsible for forestry, after subpoena, ensure the forest ranges or by certified companies, execution of afforestation and maintenance, based on the estimate, until the closing state of solid value such work was supported by the owner.

(2) estimate works in par. (1), prepared by the Forest Department or the company certified and approved by local specialist units of central government authority responsible for forestry, the owner communicate.

(3) The estimate provided in par. (1), expressly accepted or contested by the owner within 30 days, as the basis for the execution of regeneration.

(4) The cost of reclamation work performed and received in accordance with the approved estimate is supported by the state budget, to recover the debt from the owner.

(5) claim under par. (4) is recovered through foreclosure, according to budget debt recovery procedure, with priority on reclaimed land.

Article 33. - (1) forest administrator and public property owners are required to set up fund forest conservation and forest regeneration interest bearing, non-taxable, and tax deductible reserves with tax regime. Fund is available and the account manager or service provider forestry.

(2) fund forest conservation and regeneration in par. (1) consists of the following sources:

- a) the value of forest land permanently off public property;
- b) increase the value loss caused by the exploitation of wood before age exploitability of the land occupied permanently or temporarily removed from the forestry public property;
- c) 50% of the rent for temporary occupation of forest land public property;
- d) the value of compensation for forest damage public property;

- e) 50% of the amount of compensation for damage to privately owned forest products;
 - f) 15-25% of the timber authorized for operation, main products coming from and accidental I calculated the average price of a cubic meter of standing timber; for forests public property, the annual percentage rate is established National Forest - Kerslake, for other forms of forest ownership, the annual percentage rate is established, as appropriate, by forest districts referred to in art. Article 10. (2). This amount is transferred by buyers / holders of operating licenses directly into account forest administrator or service provider;
 - g) the amounts representing the cost of resettlement of forest vegetation for forest land temporarily occupied public property;
 - h) the amounts representing the effects of the functions of protection, ecological and social aspects of forests;
 - i) allocations from the state budget.
- (3) fund forest conservation and regeneration in par. (1) is used for:
- a) regeneration of surfaces covered with cuts;
 - b) afforestation of bare land recorded in forest management plans or those taken in for afforestation;
 - c) resettlement of forest land temporarily occupied forest;
 - d) carry out relief work and care and care of natural regenerations of existing young cultures;
 - e) work in the forest genetic resources registered with the forest reproductive materials;
 - f) expenses incurred in restoring forests affected by disasters;
 - g) carrying out maintenance work for young trees, clearing and cleaning;
 - h) purchase of land, in accordance with the methodology for determining the equivalence value of land and the calculation of monetary obligations.
- (4) Power fund forest conservation and regeneration is the date specified in paragraph resources. (2) becomes due.
- (5) Evidence fund forest conservation and regeneration of the owner is you.
- (6) The amounts remaining available from the Fund at the end of the calendar year be reported next year, with the same purpose, except as provided in par. (2). i).
- (7) If forest to private and public property local governments, after expenses of the fund for forest conservation and regeneration of use prescribed in par. (3). a-d), amounts remaining after deduction of tax is available can check owner on request.
- (8) works planned to be financed from the fund forest conservation and regeneration can be achieved with financial resources from outside.

CHAPTER IV

Ensuring the integrity of national forest

Article 34. - (1) forest land public property are not subject to the establishment of ownership or any of its dezmembrament.

(2) Property may be divided forest below 1 ha.

(3) If an opening sequence for the number of heirs to create non-compliance can par. (2), it is in favor of a heritage / of heir / heirs, the minimum requirements of this code, the payment of any compensation by that / those in favor of whom / which was established heritage.

Article 35. - Reducing the national forest area is prohibited.

Article 36. - (1) Notwithstanding the provisions of art. 35, is allowed to reduce the national forest area by permanent removal to achieve the objectives of national interest, declared of public utility, under the law.

(2) Upon request, the land that will be achieved the objectives set out in para. (1) can compensate for equivalent land area occupied by the surface and reliability, in which case no longer pays the value of

land taken out of national forest, but other monetary obligations are paid in advance.

(3) Compensation provided in par. (2) shall be made in equivalent value, given that the land area given in compensation can not be less than the land area covered by export from the forest.

Article 37. - (1) can be removed permanently from the national forest, their only compensation provided without reducing the forest area and advance payment of monetary obligations, only the land necessary for achieving or extending the following categories of objectives:

a) to the operation of the following mineral resources: coal, rocks, mineral aggregates, minerals and mineral water;

b) structure with accommodation tourist accommodation tourist units of worship, social, sports and health, hydrotechnical constructions of local interest, sources of drinking water;

c) houses or holiday homes, private property only in the forest;

d) forest targets installed before 1990, included in forest planning in force on January 1, 1990, the category "occupations and litigation".

(2) Placing targets referred to in para. (1). c) is subject to the following conditions that must be met:

a) construction and land are owned by the same person is placed;

b) maximum area that can be permanent removal of forest, including construction, access and fencing, not exceeding 5% of the forest property, but not greater than 200 m².

(3) Compensation provided in par. (1) is performed physical land that is five times the land that is removed permanently from forest and land area given in compensation can not be less than three times the land area covered by export from the forest.

(4) land that is referred to in paragraph netting. (1) must be just outside the national forest, but surrounding it, fit to be forested. In case the minimum area of land that is netting more than 20 hectares, it may not be adjacent forest, but must be compact. Can not compensate for the land located in the alpine and subalpine.

(5) The land referred to in para. (4) are required to ensure enrollment in forest planning and forest management or services within 30 days after final approval of forest removal and afforestation in less than two seasons.

(6) No compensation shall be allowed to land adjacent protective forest belts.

(7) In counties where forest area is under 16% of the county, land clearing is done only within the same county.

(8) rendered permanently forest land and received land in compensation acquire legal status of land that they replace.

Article 38. - (1) land permanently removed from the national forest are owned by the beneficiary in the time of handover operation and acquire the destination that it requested and which was approved.

(2) is exempt from the provisions. Perimeter strip 37 lands in the state border protection, which are public domain and which by their nature, are designed for protection and maintenance of border line.

(3) Change target destination built on land that was undergoing final removal of national forest earlier than five years the repeal of the order or decision of the Minister of Government approval and the original, bringing out the forest land's expense approval.

Article 39. - (1) temporary occupation of forest land is allowed only for a determined period of time, in order to achieve the objectives of the kind referred to in art. 36 and Art. Article 37. (1). a) and to ensure early payment of monetary obligations of the beneficiary approval for removal of forest that objective.

(2) The period for which temporary employment can be approved provided in par. (A) not exceeding 10 years.

(3) related rent is paid each year until 31 January of the year for which is due and is calculated according to the law in effect on January 1.

(4) If, to achieve the objectives set out in Art. Article 37. (1). b)-c), are required and other lands adjacent to organize the site, they will be employed temporarily for a period not exceeding one year and

amounting to more than 10% of the area requested to be removed permanently from the forest.

(5) Period for approving temporary occupation of forest land includes works execution time required to play in conditions suitable land to be afforested.

Article 40. - Requests for removal or temporary occupation of forest land, as provided in art. 36-39, with the owner and endorsed to ensure the Forestry and forestry services, as appropriate, the National Forest - Kerslake, if forest land public property, and local specialist subunits the central public authority responsible for forestry, is approved:

- a) the head of the central public authority responsible for forestry, for areas up to 10 ha, with the possibility of delegation leaders territorial subunits specialized central public authority responsible for forestry, to the surface of 1 ha;
- b) Government at the proposal of the central public authority responsible for forestry, for areas over 10 ha.

Article 41. - (1) For forest land permanently removed as foreseen in art. 36 and 37, monetary obligations are:

- a) fee for permanent removal of forest land which is paid in advance for approval of removal issued and filed in improving fund-purpose forest land available to the central authority responsible for forestry;
- b) the value of forest land permanently removed, the landowner is paid for privately owned land to individuals, legal or public property to local governments, and for land public property, public property administrator forests, making it come to fund forest conservation and regeneration;
- c) increase the value loss caused by the exploitation of wood before the age of technical exploitability, the landowner is paid for privately owned land to individuals, legal or public property to local governments and public property for land, forest manager public property, making it come to fund forest conservation and regeneration;
- d) value targets decommissioned, if public property forests, it is paid administrator, and for other categories of forest property owner is paid;
- e) the costs of installation and maintenance of forest vegetation to achieve its massive state, only in cases stipulated in art. 36 para. (2) and Art. Article 37. (1), amounts that are deposited in the fund forest conservation and regeneration.

(2) The obligations of money mentioned in par. (1). b)-e) is paid off early delivery-receipt of forest land.

Article 42. - (1) For land temporarily in charge of the forestry as foreseen in art. 39, monetary obligations are:

- a) guarantee, equivalent to the fee for permanent removal of forest land with compensation that is paid in advance of issuing approval and submitted to the fund to improve the destination forest land, fund available to the central authority responsible for forestry;
- b) rent which is paid owner if private forest property and individuals, that of the public property of local governments, the forest public property, 50% of the rent is deposited in the fund conservation and regeneration of forests and 50% is paid administrator;
- c) increase the value loss caused by the exploitation of wood before the age of technical exploitability, the landowner is paid for privately owned land and individuals and public property to local governments, the forest public property, the value loss the increase is paid administrator who filed the fund forest conservation and regeneration;
- d) the objectives of the land abandoned that, if public property forests, it is paid administrator and owner pays in other cases;
- e) the cost of resettlement of forest vegetation and its maintenance to achieve the solid state, which is deposited in the fund forest conservation and regeneration.

(2) The obligations of money mentioned in par. (1). b)-e) is paid off early delivery-receipt of forest land.

Article 43. - Methodology for determining the equivalence value of land and money calculation of obligations stipulated in art. 33, para. (3). h), art. 41 and 42 is approved by order of the head of the

central public authority responsible for forestry.

Article 44. - Timber forest vegetation resulting from deforestation on land set permanently or temporarily employed forest owner is, if private forest property and individuals, public property that local governments, and administrator for the fund Forest public property.

Article 45. - (1) public property forests Administrator take steps to liquidate enclaves and forest perimeter correction through exchanges and / or purchase of land in a State, based on authentic documents.

(2) The lands to be exchanged acquire legal status and land use change that.

(3) methodology for acquisition by purchase, exchange or donation by the state through the National Forest - Kerslake and other managers of land to be included in forest public property, approved by Government decision, the authority proposal central government responsible for forestry.

(4) in sharing it is considered equivalent value of the land, their evaluation is done based on the methodology provided in art. 43.

(5) The state has preemptive right to purchase forests which are enclaves in forest or public property adjacent to its price and on equal terms.

(6) The seller is obliged to notify in writing the administrator forests on public property intended for sale, the latter being able to exercise its preemptive right within 30 days of notice.

(7) If the administrator Forest public property does not show purchase intent in writing within the period specified in par. (6), sale of land is free.

(8) Failure by the seller of the obligation provided in paragraph. (6) absolute void the contract of sale concluded.

Article 46. - (1) For the exchange of land in situations where one of the land is public property, the exchange must meet at least one of the following conditions:

- a) lead to removal of pockets of forest public property;
- b) to determine the merging of forest land public property;
- c) to ensure increase in forest areas deficient in forest areas.

(2) The exchange of land in par. (1) is initiated by the administrator of public property forests and approved by order of the head of the central public authority responsible for forestry.

(3) The exchange of land can only be done in the same county, unless entering the forest agricultural land in areas deficient in forest.

(4) The exchange is made only with forest, except as provided in par. (1). a) and c) the land exchange can be made with other purposes.

Article 47. - (1) change of use category forest land with forest destination, the duration of the forest arrangements in another category of forest use is approved by order of the head of the central public authority responsible for forestry.

(2) change of use category forest land with forest destination of use "forest" to another category of forest use is equivalent to a tax charge of removal of forest, which is transferred to fund improvement fund Land with forest destination.

(3) Exceptions from paragraph. (2) land for the construction of forest roads and establishment of forest nurseries.

CHAPTER V

Prevention and fire fighting

Article 48. - Owners of forests and protection of forest belts of degraded lands that have made works afforestation and forest districts that provide forestry services and their management are required to apply and comply with specific prevention and fire fighting approved by joint order of the head of the central public authority responsible for forestry and central public authorities and internal

administration.

Article 49. - Prefects, mayors, county councils and local units of state competent authorities in the field of civil protection, combating the effects of weather and disasters, according to the legal obligations incumbent on them, are obliged to intervene in preventing and fighting forest fires in and forest vegetation beyond.

Article 50. - Individuals found in forest fires in forest plantations or degraded lands that have been made afforestation works are obliged to immediately notify the closest forest and participate in their extinction.

CHAPTER VI

Security and protection forests

Article 51. - (1) forest owners are obliged to guard the forest against illegal logging of trees, theft, destruction, the degradation of grazing and other actions damaging to the forest, under the law.

(2) forestry staff who have responsibilities for forest guard service is equipped with weapons, according to law.

(3) In carrying out their duties of guarding the forest, in finding the facts constituting the offenses and crimes forest, forest is assimilated staff personnel performing functions involving the exercise of public authority.

Article 52. - Police and gendarmerie units, according to their responsibilities under the law, provide specialist support in organizing forest guard.

Article 53. - (1) prohibit grazing in forests, forest protection curtains and perimeters to improve degraded or slip.

(2) Notwithstanding the provisions of par. (1), in case of force majeure, the central public authority responsible for forestry or its specialized territorial units, as appropriate, may approve the grazing in the forest, if the following conditions are met:

- a) takes place during limited;
- b) is practiced only in certain perimeters of the forest;
- c) approval requests belong to local government;
- d) has obtained the consent of the owner;
- e) is required in duly justified cases.

(3) can not be approved under grazing in regenerating stands, and regeneration in young plantations and forests fulfill special functions in protection.

(4) If public property forests, the agreement provided in par. (2). d) is given by the administrator.

(5) Passing through the forest for livestock grazing areas, watered and housing shall be approved by forests, the forest owner's consent, on trails designated and specified period, for public property forests, approval is given by the administrator.

(6) prohibits domestic animals passing through forest stands under regeneration in young plantations and regeneration in protected areas of national interest, the perimeters for improvement and forest protection curtains.

(7) The forest district approval to allow free location in the forest beehives in public property, during the pastoral.

(8) The amount of payment for shares referred to in para. (2) and (5) is determined by the parties' agreement.

Article 54. - (1) Public access to forest areas is allowed only on marked routes designed for this purpose.

(2) Public access to the forest of motor vehicles, motorcycles, ATVs and mopeds is prohibited, except for sports activities, recreation and tourism, which can be practiced only with the forest owner or manager of public property.

Article 55. - (1) monitoring the health of forests and establishment works to prevent and control diseases and pests is done by specialized service within the central public authority responsible for forestry.

(2) Measures taken by the service provided in par. (1) are compulsory for all forest owners.

Article 56. - Forest Districts screening work done and forecast forest pest and disease attacks, in accordance with technical rules on forest protection against diseases and pests.

Article 57. - (1) The works of forest diseases and pests, regardless of ownership by means Avio, is done in a single coordinated service provided by art. 55.

(2) The other works to combat diseases and pests is done by the Forest Department are required to support this work and the owner, administrator concerned for public property forests.

CHAPTER VII

Specific products of the national forest

Article 58. - (1) specific national forest products are goods that are made of this wood and non-wood products respectively.

(2) specific national forest timber products are represented by:

- a) The main products resulting from cutting of forest regeneration;
- b) products resulting from cutting the care and management of trees;
- c) accidental products, resulting from biotic and abiotic factors destabilizing action or legally approved forest clearings;
- d) hygiene products resulting from the normal process of natural elimination;
- e) other items: trees and ornamental shrubs, Christmas trees, willow, trees and various wood products.

(3) specific non-wood forest products nationwide are represented by:

- a) hunting wildlife;
- b) water over the mountains, the farms, ponds and lakes in the forest;
- c) berries;
- d) forest seeds;
- e) edible mushrooms from the spontaneous flora therein;
- f) and aromatic herbs therein;
- g) resin;
- h) other products.

(4) forest products to their respective owners or holders thereof, as appropriate, except wildlife and fish hunting of mountain waters.

(5) Harvesting and / or acquisition of specific non-timber forest products are based on approvals, permits and documents issued by the estimation of forest on the principle of territoriality, in accordance with technical standards approved by order of the head of the central public authority responsible for forestry.

Article 59. - (1) The maximum amount of wood that can harvest forest can not exceed established by forest management plans.

(2) The maximum volume of timber harvested annually from forests can not exceed annual opportunity.

(3) Notwithstanding the provisions of par. (2), can exceed the annual volume of timber not harvested in previous years the application of forest arrangements in force.

(4) products are harvested entirely accidental.

(5) The output I accidental, resulting from the action of biotic and abiotic factors and the legal deforestation, occurring subunits that regulate the management in wood production and volume resulting from illegal logging in the previous year in unit production and protection can be precompteaza the main product.

(6) If the volume of trees affected by natural disasters is higher than the annual opportunity, it can be exceeded with the approval of central government authority responsible for forestry.

(7) volume in par. (6), which can exceed annual precomptarea in the coming years is the application of forest arrangements.

(8) Precomptarea is done in the same properties.

(9) The amount of compensation prohibits harvesting of forest management plans of the units provided amenajistice inaccessible volumes amenajistice equivalent units located in areas accessible.

Article 60. - (1) of forest and wood products of forest vegetation outside the forest is harvested based operating permit issued by the Forest Department.

(2) Estimated quantity and quality wood products is through acts of assessment drawn up by the forest districts, according to specific technical forestry.

(3) Forestry issuing operating permit is required to execute delivery to exploitation, exploitation and take back control of prosecution.

Article 61. - Specific non-timber forest products are harvested in accordance with technical standards approved by order of the head of the central public authority responsible for forestry.

CHAPTER VIII

Wood exploitation

Article 62. - (1) exploitation of wood is made after obtaining the mining and teaching floors, observing the forest and in accordance with the instructions of the time, method and period of collection, removal and transport of wood, approved by order of public authority manager responsible for forestry plants.

(2) exploitation of wood is certified by the corporate central public authority responsible for forestry.

(3) Notwithstanding the provisions of par. (2), individuals can operate on own volume exceeding 20 m³/year of forests on their property.

(4) Regulations governing the certification of legal persons referred to in para. (2) and the composition of certification approved by order of the head of the central public authority responsible for forestry, part of the commission and representatives of employers and professional associations in the field, recognized nationwide.

Article 63. - (1) is intended to cut trees inventoried and, if necessary, depending on the nature of cutting, is marked with special marked by forestry personnel authorized in accordance with technical standards.

(2) Form and manner of use of the special registers, and how to mark trees or lots of trees are established by regulations approved by order of the head of the central public authority responsible for forestry.

Article 64. - (1) The special register marks and seals the schemes and their patterns are recorded and stored in notary offices.

(2) operations provided in par. (1) are exempt from stamp duty provided by law for deposit with notary offices received the documents or documents.

(3) The head of the central public authority responsible for forestry may approve the use of special devices which have marked the regime labels and seals.

Article 65. - (1) The collection of wood harvesting technologies are used for collecting primary platform works and transportation of wood from forests that do not cause soil degradation, forest roads and water banks, destruction or damage seedlings usable, and and not for exploitation of the trees, above the permissible limits of technical rules.

(2) Holders of mining licenses throughout respond for damage in operation across floors and flowing forestry roads.

Article 66. - (1) In order to provide funds necessary to cover the possible damages of the kind referred to in art. 65 para. (1), including restoration of damaged forest road elements of owners fault operating

permits, they submitted to the Forest Department, anticipated operating permit issuance, a bond of 5% of contract value.

(2) The amount of bail set at par. (1) is established on contracting work wood or wood exploitation.

Article 67. - (1) to collect wood from the forests to build access roads and transient facilities, in accordance with instructions provided in art. 62 para. (1).

(2) Wood Collection by crossing land belonging to other owners is paid servitude of passage and, as appropriate, the compensation determined by the parties' agreement.

Chapter IX

Origin and movement of woody materials

Article 68. - (1) wood materials, regardless of their source, is transported only if accompanied by specific transport documents, proving the legality certainly their provenance.

(2) Any receipt to load and transport any wood materials transport stream of transport documents referred to in paragraph. (1).

Article 69. - (1) wood material flow control is done by:

a) forest personnel;

b) officers and the officers skills;

c) staff exercising financial control within the authority of central taxation for public finance and that of the Financial Guard.

(2) staff in par. (1). b) and c) is required to support forestry personnel in traffic control actions of wooden materials, under the law.

Article 70. - Woody material found circulatory transport without specific documents with specific transport documents which have expired or have entered legal origin shall be confiscated by staff specified in Art. 69 para. (1) and exploit the law.

Article 71. - (1) wood materials transport accompanied by specific documents that are not completed properly withheld and teach in custody.

(2) Custody of wood materials to ensure round the nearest forest or natural or legal persons who have adequate storage space, with their consent.

(3) If, within the timeframe set by authorized personnel who ordered detention or following the court decision, not confirming the origin of legal wood materials, they shall be confiscated according to law.

(4) If the legal origin has been established, the wood materials returned retained.

(5) wood materials seized pursuant to para. (3) and Art. 70 is returned to owners, if they are identified and are not illegal offenders have led to the penalty of confiscation, or exploit the law.

(6) retention expenses, custody and transportation support person did not prove legal origin of wood materials retained.

Article 72. - (1) prohibit the receipt, storage, processing, transportation and marketing woody materials without their specific transport documents or documents that are clearly not their legal origin.

(2) The materials referred to in paragraph wood. (1) to seize and exploit the law.

Article 73. - Rules concerning the origin, circulation and sale of wood materials, the regime of wood materials storage areas and roundwood processing plants are established by Government decision on the proposal of the central public authority responsible for forestry.

CHAPTER X

Scientific research in forestry

Article 74. - The central public authority responsible for forestry manages, organizes and directs scientific research and technological development in the area, supporting their development and

efficient use of the results follows, in order to sustain the technical and scientific forest management measures.

Article 75. - Scientific research and technological development of forestry is carried out by Forest Research Institute and is reorganized by a Government decision, the Forest Research Institute and "Marin Dracul", the central coordination authority responsible for forestry, as national organization with legal personality, as well as other public and private institutions dealing with the activity of scientific research and technological development area.

Article 76. - Forest Research Institute and "Marin Dracea" can have in managing forest ranges and experimental basis under the law, which is performed in order to generalize the results of research in forestry practice.

Article 77. - Scientific research in forestry is financed from state budget, the budget of the central public authority responsible for forestry, as well as from other sources, according to law.

CHAPTER XI

Development of forest consciousness

Article 78. - (1) The central public education with the central public authority responsible for forestry will include forms of compulsory education in curricular programs, notions about the forests, their conservation and the role and importance in the biosphere and mankind life in general.

(2) term in par. (1) to develop differentiated and progressively, depending on the type of education.

Article 79. - The central public authority responsible for forestry is required to achieve specific actions, the ways and means appropriate for the following purposes:

a) forest produces consciousness;

b) providing a minimum of professional knowledge of forest owners.

Article 80. - (1) The central public authority responsible for forestry National Training Center established in Forestry.

(2) Rules of organization and operation center in par. (1) shall be established by order of the head of the central public authority responsible for forestry.

Article 81. - (1) Between March 15 to April 15 of each year, the central public authority responsible for forestry organizes "Tree Planting Month".

(2) Moon Tree planting is organized with the participation of county councils, the prefectures, the mayors, the local school inspectorates, religious institutions, military units and other institutions of public character.

(3) On the occasion of the events specified in paragraph organization. (1), the central public authority responsible for forestry, the subordinated units, in coordination or authority, will provide those interested in planting material and necessary logistics.

(4) The period referred to in para. (1), the central public authority responsible for forestry, forest managers of public property and private forest districts are forced to take action to popularize and educate the public on the role and importance of achieving forest and practical activities of forest plantations, maintenance and management of trees .

Article 82. - The central public authority responsible for forestry initiatives and actions support public institutions, the media and non-governmental organizations on the protection, development and management of forests.

CHAPTER XII

Accessibility Forests

Article 83. - (1) Increasing the degree of accessibility of forests is an essential condition of sustainable

forest management.

(2) forest roads are means of transportation technology, private utility, used for: forest management, development of hunting and fishing, intervention in case of emergencies, disasters or disasters, public traffic being closed, except for sports activities, the recreation and tourism can be practiced only with the owner, and if public property forests, with the consent of their manager.

(3) access indicator displays on specific entry road.

(4) For the construction of forest roads is not necessary to obtain a building permit.

Article 84. - Execution of forest roads is approved under permits granted by the central public authority responsible for forestry, as follows:

a) forest roads in the forests is made public property, the administrator thereof;

b) for forest roads is done in public and privately owned forests of the administrative-territorial, administrative-territorial land owner;

c) for forest roads is done in privately owned forests and individuals, the owner.

Article 85. - (1) Design and construction of forest roads is made based on principles that respect the observance of the landscape and does not affect water quality, soil and habitat.

(2) The design of forest roads are made of natural or legal person certified by a commission established for this purpose.

(3) methodology, criteria for licensing and certification board is established by order of the head of the central public authority responsible for forestry, in consultation with trade and industry associations.

(4) The certificate is composed of specialists from the central public authority responsible for forestry, specialists in research, design and construction of forest roads, higher education specialists from the field and representatives of employers and professional associations nationally recognized.

(5) The activities of design and construction of forest roads is carried out in accordance with best practice guidelines and norms issued by the central public authority responsible for forestry.

(6) Feasibility studies for development of forest road network is done in conjunction with the work of correcting for torrents.

(7) Supervision and control of forest roads back execution designer, and authorities of the beneficiary who received notices.

(8) Acceptance of work on forest roads is performed by the customer and representatives of authorities in which opinions were obtained in the presence of the designer and manufacturer representatives.

Article 86. - Correction torrents works and maintenance investments made to correct torrent forest is done with public funds, in accordance with the national strategy for development of national forest and the National Strategy for flood risk management.

Article 87. - Maintenance and repair of forest roads are the owner, manager respectively for forest roads in the forest under public property, in compliance with regulations or best practices guidelines approved by order of the head of the central public authority responsible for forestry.

TITLE IV

Sustainable development of national forest

CHAPTER I

Development of national forest

Article 88. - (1) forest development and expansion of forest areas is an obligation and a national priority, to ensure ecological balance local, national and global and national afforestation program done by.

(2) national afforestation program in par. (1) is approved by Government Decision on the

proposal of the central public authority responsible for forestry.

(3) National Programme for afforestation in par. (1) is done through extensive afforestation of land outside the national forest and agricultural land, to improve environmental conditions and the optimization landscape, crop insurance and agricultural growth, to prevent and combat soil erosion, to protect communication ways, dams and banks, town and the economic, social and strategic, aiming at afforestation of land other than the destination forest, an area of 2 million ha by the year 2035.

Article 89. - (1) The central public authority responsible for forestry made continuously and periodically updated every five years, national forest inventory, referred to as IFN, aligned with EU standards, in order to obtain updated information on state and evolution of forest vegetation throughout the country.

(2) The methodology of statistical inventory of all forest resources in Romania, which is performed on IFN, approved by the head of the central public authority responsible for forestry.

Article 90. - (1) The central public authority responsible for forestry to ensure continuity of the national implementation of forest protection belts, according to law.

(2) Building the National System of protection forest belts is the public good.

(3) The compulsory administration of protective forest belts forest districts referred to in art.

Article 10. (2). a).

(4) the measures referred to in para. (3) is made from the state budget through the budget of central government authority responsible for forestry, based on a methodology approved by joint order of its leader and the head of the central public authority finances.

Article 91. - Financing national afforestation stipulated in art. 88 and the National System of protection forest belts provided in art. 90 is made of the land improvement fund, fund conservation and regeneration of forests, state budget allocations and other funds provided by law.

CHAPTER II

Associative forms of forest

Article 92. - (1) Individuals and / or legal persons who own forest land can be in association, under the law.

(2) The principles underlying the establishment of associations referred to in para. (1) are:

- a) freedom of association;
- b) respect to the forest;
- c) sustainable management of forests.

(3) Establishment associations of forest owners is achieving the objectives of economic, ecological and sustainable forest management, aiming to:

- a) consolidation of property;
- b) market in terms of profitability of forest products;
- c) create their own forest districts;
- d) increase the absorption capacity of domestic and foreign funds;
- e) representing the rights of owners against the authorities.

Article 93. - Forest owners associations are established according to Art. 92 para. (1) and operates in accordance with the provisions of Government Ordinance no. 26/2000 on associations and foundations, approved by Law no. 246/2005.

Article 94. - (1) To qualify for support under the law, forest owners associations and associative

forms provided by art. 92 para. (1) must enroll in the National Register of forest owners associations, held at the central public authority responsible for forestry.

(2) content, model and registration procedure in the National Register of forest owners associations approved by order of the head of the central public authority responsible for forestry.

Article 95. - (1) community of Mosneni in joint property, brotherhoods of Mosneni in possession, brotherhoods razesesti undivided, composesoratele, frontier forests, forest land records, political communes, communities and other associative forms with different names existing before 1948, are part of historical treasure Romania.

(2) Property referred to in paragraph associative forms. (1) is guaranteed, indivisible and inalienable.

(3) associative forms provided in par. (1), a result of the event will of local communities, are legal, organization and functioning shall be regulated by special law.

Article 96. - The central public authority responsible for forestry supports the establishment and development of forest owners associations and associative forms, the budget.

CHAPTER III

Ways to support sustainable forest development

Article 97. - (1) For the purpose of sustainable management of forest and private property of individuals and legal entities of public or private property of local governments, the annual budget allocated by the budget of the central public authority responsible for forestry, amounts to :

- a) ensure the full cost budget management and forestry services to private forest property and individuals, forest property if the surface is less than or equal to 30 hectares, whether it is or is not included in an association, payment is made by the Forest Department to ensure forest management and services, as appropriate;
- b) award compensation to the owners representing the products are not harvested, because of the protection functions determined by forest management plans that determine restrictions on harvesting of timber;
- c) the difference between the amounts necessary to ensure full financing of the works stipulated in art. 33, para. (3). a)-d) and calculated the maximum amounts to fund forest conservation and regeneration;
- d) the value of works to combat diseases and pests mentioned in art. Article 57. (1), only private forest property and individuals, forest property if the surface is less than or equal to 30 hectares, whether it is or is not contained in an association;
- e) restoration of forests and forest transport routes affected by natural disasters or fires with unknown perpetrators, if the maximum amounts up to fund forest conservation and regeneration are insufficient;
- f) supporting the establishment and development of forest owners associations;
- g) make available to owners of forest education materials on forest protection and forest conservation.

(2) For sustainable forest management public property manager to allocate its budget by the central public authority responsible for forestry, forest amounts to restore transport pathways affected by natural disasters.

Article 98. - The amounts referred to in art. 97 para. (1). a), c), d) and e) are provided to the

district forest that provide forest services, in article. 97 para. (1). b), f) and g) and Art. 101 are provided to the owners, and in article. 21 para. (4) are provided to the territorial structures of specialized central public authority responsible for forestry.

Article 99. - (1) The detailed rules for granting, use and control of annual amounts provided in art. 98 is approved by Government decision on the proposal of the central public authority responsible for forestry, within 90 days after the effective date of this Code.

(2) The norms mentioned in par. (1) is approved and the procedure for forestry services and to perform background checks.

Article 100. - Complete cadastral surveys for the national forest, the IFN-ground monitoring of forest vegetation is funded annually from the state budget through the budget of central government authority responsible for forestry.

Article 101. - (1) Natural or legal persons who agree on whose farmland protection forest plantations are established are still on the site owners and the forest so established and given annually to close the massive state, a compensation loss of income amounting to 10 times the average price of a cubic meter of standing timber, fixed under the law, per hectare, according to the actual area occupied by forest protection curtains.

(2) Within 60 days after the entry into force of this Code, the central public authority responsible for forestry develops methodology for compensation provided under par. (1), which approved by order of its leader.

(3) compensation provided in par. (1) is made of:

a) land improvement fund, established under the Land Law no. 18/1991, republished, with subsequent amendments;

b) allocations from the state budget;

c) other sources provided by law.

(4) The companies which have leased land public property other purposes than the forest, under the law, which is made of protective forest belts are exempt from royalties related to forest area occupied by curtains.

TITLE V

Enforcement and compliance to the forest

Article 102. - The central public authority responsible for forestry organized and performed by authorized its staff and by authorized personnel of the territorial structures of specialized central public authority responsible for forestry:

a) enforcement and compliance to the forest in national forest;

b) control how they apply the specific rules in forests outside the forest;

c) flow control wood materials, the processing plants and storage areas of wood materials;

d) control the movement of non-wood forest products nationwide.

Article 103. - (1) Holders of forest and forest vegetation outside the forest, including forest districts are required to allow access to authorized personnel enforcing the forest to the forest or specific technical standards, if necessary, after prior notice thereof.

(2) forestry staff empowered to monitor compliance to the forest is allowed to enter the forest properties in order to fulfill their duties.

TITLE VI

Liabilities and Sanctions

Article 104. - Violation of this Code draws, where appropriate, disciplinary, material, civil, administrative or criminal law.

Article 105. - (1) damage to the forest, referred to as damage, regardless of legal ownership and the forest area had property, is assessed according to the law.

(2) the loss of forests classified by functional forest management plans in group I, the curtains and the mountain pine forest protection is determined by multiplying twice the value obtained by law.

(3) In situations where damage assessed according to para. (1) and (2) was not recovered Forestry providing forestry services and forest management, it recovers the central public authority for public finances, representing the Romanian state.

(4) damage in par. (1) is authorized forestry staff evaluates law.

(5) Amounts representing the damage to be recovered shall be distributed in accordance with the laws in force.

Article 106. - (1) reduction of the national forest area of the provisions of art. 36 and 37 constitute an offense and shall be punished with imprisonment from six months to a year or a fine.

(2) The penalty provided in par. (1) shall be sanctioned and change the destination target was to obtain approval for phasing out national forest or national forest employment, if the change of destination occurs within 5 years after approval of forest removal.

(3) Author deeds as provided in par. (1) and (2) must issue any forest land or facilities located building illegally.

(4) Reinstall run forest vegetation on the facts provided in paragraph s expense. (1) and (2), by the Forest Department which performs services such forestry or forest management, the location being the crime.

Article 107. - Employment without law, in whole or in part, to some national forest areas of an offense and is punishable by imprisonment from 6 months to 3 years.

Article 108. - (1) cutting, tearing, destruction, damage or removal of roots, without right, the trees, seedlings or cuttings from national forest and the forest vegetation located on land outside of it, regardless of ownership, an offense forest and shall be punished as follows:

a) with imprisonment from six months to four years or a fine, if the damage produced is at least 5 times the average price of a cubic meter of standing timber on finding offense;

b) with imprisonment from six months to four years, if the damage produced is less than the limit stipulated in point. a), but the offense was committed at least twice within a year and the cumulative value of the damage caused exceeds the limit in point. a);

c) with imprisonment from two years to six years, if the damage produced is at least 20 times the average price of a cubic meter of standing timber on finding offense;

d) with imprisonment for 4 years to 16 years, if the damage produced is at least 50 times the average price of a cubic meter of standing timber, on finding offense.

(2) The maximum punishment provided under par. (1) shall be increased by three years, if the facts were committed in the following circumstances:

a) two or more persons together;

b) a person with a gun on him or paralyzing substance or narcotic;

c) at night;

d) forest located in protected areas of national interest.

(3) If the offenses referred to in para. (A) were committed with the knowledge or consent of

forestry staff, the minimum value of loss to qualify as crimes forest is set at a value of 2.5 times the average price of a cubic meter of standing timber in Noting date.

(4) The attempt is punishable.

Article 109. - (1) grazing in the forests or forest areas where it is forbidden forest is a crime and is punished as follows:

- a) with imprisonment from three months to three years or with fine, if the damage is at least 5 times the average price of a cubic meter of standing timber on finding offense;
- b) with imprisonment from one year to five years or a fine, if the damage is at least 20 times the average price of a cubic meter of standing timber on finding offense;
- c) with imprisonment from two years to seven years or with fine, if the damage is at least 50 times the average price of a cubic meter of standing timber on finding offense.

(2) The maximum punishment provided under par. (1) shall be increased by three years if the acts were committed under the following circumstances:

- a) at night;
- b) in the forest located in protected areas of national interest.

Article 110. - (1) Theft of trees felled or broken by natural phenomena or trees, seedlings or cuttings that have been cut or removed from the roots of the forest, protection forest belts of degraded lands that have been improved through extensive afforestation of forest vegetation outside the national forest, and of any other product-specific national forest is a crime and is punishable as follows:

- a) with imprisonment from six months to three years or with fine, if the amount of wood removed is 5 to 20 times including higher than average price of a cubic meter of standing timber;
- b) with imprisonment from 6 months to 3 years if the offense was committed at least twice within a year and a cumulative value of the timber exceeds the amount listed in point. a);
- c) with imprisonment from two years to six years if the value of timber removed is more than 20 to 50 times including higher than average price of a cubic meter of standing timber;
- d) with imprisonment for 4 years to 16 years, if the value of stolen timber exceeds 50 times the average price of a cubic meter of standing timber.

(2) The maximum punishment provided under par. (1) shall be increased by three years if the acts were committed under the following circumstances:

- a) two or more persons together;
- b) a person with a gun on him or paralyzing substance or narcotic;
- c) at night;
- d) forest located in protected areas of national interest.

Article 111. - (1) destruction, damage or brought into disuse by forest fire, forest protection belts, the forest vegetation of degraded lands through afforestation improved, the junipers and forest vegetation outside the national forest, by owners, owners, managers or any other person, an offense and is punishable by imprisonment from 3 months to 3 years or a fine.

(2) If the offense referred to in para. (1) resulted in a disaster, be punished with life imprisonment or imprisonment for 15 years to 25 years and interdiction of certain rights.

Article 112. - Forest and is an offense punishable with imprisonment from six months to three years or a fine or otherwise used without specific regulations as in force of the special registers which resulted in the production of injury to a value of 5 times average price of a cubic meter of standing timber.

Article 113. - Forgery is the special registers and forest offense punishable with imprisonment from one year to five years.

Article 114. - Failure to comply with its obligations under Articles. Article 30. (1) forest and an offense punishable with imprisonment from one month to three months or a fine.

Article 115. - The maximum of the punishment is increased by two years in cases where offenses referred to in art. Forestry staff are committed 106-113.

Article 116. - The timber result of committing crimes shall be confiscated and exploit the law.

Article 117. - In addition to law enforcement officials are empowered to find the facts stipulated in art. 106-113 Forest staff within the central public authority responsible for forestry and its territorial structures with specific forestry, forest staff in the National Forestry - Kerslake and its territorial structures, forestry staff in authorized private forest districts and authorized personnel of the Romanian Gendarmerie.

Article 118. - (1) forestry staff specified in Art. 117 has the competence to identify and inventory, where they are, the wood materials from committing acts that may be treated as forest offenses.

(2) The materials referred to in paragraph wood. (1) shall retain the forestry personnel authorized to establish these facts.

(3) retention procedure provided in par. (2) is approved by Government Decision on the proposal of the central public authority responsible for forestry.

Article 119. - (1) In case damage caused by acts that could cause offense, the person who is to submit the report on findings to establish the unit or institution in which they operate.

(2) head of unit or institution referred to in para. (1) submit the report on findings to the prosecution before the court in terms of material and territorial.

Article 120. - Acts referred to in art. 106-113 presents a degree of seriousness of the offense, regardless of the manner and means of committing the offense, the purpose, the circumstances in which the offense was committed, the result produced or which could have occurred, and the person and the perpetrator behavior.

Article 121. - The provisions of this Title shall be completed by the provisions of the Criminal Code and Criminal Procedure Code.

TITLE VII

Temporary and final provisions

Article 122. - (1) The central public authority responsible for forestry develops, within 12 months after entry into force of this Code, rules, regulations, instructions and guides to good practice and approved by order of its leader, exercising and enforcement of them.

(2) By the development and approval of normative acts referred to in paragraph. (1) apply rules, regulations and guidelines in force at the date of entry into force of this Code.

Article 123. - The average price of a cubic meter of standing timber is established annually by order of the head of the central public authority responsible for forestry.

Article 124. - Regulation forest guard is approved by Government Decision on the proposal of the central public authority responsible for forestry.

Article 125. - (1) Establishing and Sanctioning Offences forest is regulated by special law, within six months after entry into force of this Code.

(2) Upon entry into force of special law referred to in para. (1) the provisions relating to offenses forest of Ordinance No. 96/1998 on forestry regime and managing the national forest, republished, with subsequent amendments, the Government Emergency Ordinance no. 139/2005 on forest management in Romania, approved with modifications by Law no. 38/2006, as amended, and the Law. 31/2000 on forestry establishment and sanctioning of infringements, as amended and supplemented.

Article 126. - The central public authority responsible for forestry shall annually report on the state government forests.

Article 127. - (1) forestry staff at all levels is required to wear, in the exercise of duties, uniform and distinctive emblems established by order of the head of the central public authority responsible for forestry.

(2) Uniform and marks mentioned in par. (1) is provided free of charge by the employer, without being taxed, and the forestry staff of the central public authority responsible for forestry is provided free of charge, through its budget.

(3) professional ranks, rights and duties are established by forestry personnel Forestry Staff, approved by a special law.

(4) professional degrees related indemnities for forestry staff in the central public authority responsible for forestry and territorial subunits are established by Government decision, within 60 days after the effective date of this Code.

(5) forestry staff in the central public authority responsible for forestry, of its territorial sub-units, the forest districts, forest structures and Senior National Forestry - Kerslake risk benefit from an increase of 25% of salary base.

(6) Engineers-educated foresters long, with at least 3 years experience in forestry, are authorized to perform topographic measurements.

(7) forestry-educated engineers long, the topic of the PhD in terrestrial measurements with at least five semesters of study in the terrestrial measurements, may carry out surveying work.

(8) 20% of fines collected and 35% of the value of confiscated wood materials remain available to the legal entity structure which operates in forestry staff who imposed the fine or confiscation made.

(9) The amounts referred to in para. (8) is used for each legal entity as follows:

a) for awarding forest staff who work in the central public authority responsible for forestry and the forest of its territorial structures;

b) 50% for forest staff award in the National Forestry - Kerslake and private forest districts and 50% for investments related to forest guard and the financial support of legal actions initiated by the body corporate.

Article 128. - (1) Upon the entry into force of this Code shall prohibit the brief study of development and transformation of wooded pastures.

(2) Studies of transformation of grasslands and wooded forest planning, approved by the coming into force of this Code, remain valid until the preparation of forest arrangements under this code, but no later than the expiry of their validity.

(3) summary of planning studies approved remain in effect until the finalization of forest arrangements, in accordance with this Code.

(4) After the effective date of this Code, the forest land returned as a result of applying the provisions of land law, forest districts achieved the works stipulated in forest planning regulations.

Article 129. - Upon the entry into force of this Code are prohibited presentation and authorization for exploitation of timber from forest to forest services not provided in accordance with this Code.

Article 130. - By developing the methodology stipulated in art. 43 methodology is applied to force the entry into force of this Code.

Article 131. - (1) Forest Districts mentioned in art. Article 10. (2), set up the entry into force of this Code, are required to enroll in the National Register of forest managers and forest districts, within 12 months after entry into force of this Code, and are continuatoarele the legal rights of older people.

(2) The legal persons referred to in para. (1) is excluded from the Trade Registry, the Registry of associations and foundations that, under the permit issued under this law, based on methodological norms approved by joint order of the Minister of Justice and Minister of Agriculture and Rural Development.

(3) permits the operation of private forest districts issued before the entry into force of this Code are valid for 12 months after entry into force of this Code.

Article 132. - (1) Round Wood in facilities and / or equipment belonging to legal persons shall be made only after authorization of the legal entity and each facility and / or equipment of a board established by the central public authority responsible for forestry and after its registration on the register and / or equipment to process logs, kept in the central public authority responsible for forestry.

(2) Round Wood in facilities and / or equipment belonging to individuals are made by individual registration on the register and / or equipment to process logs, held in the territorial sub-units of central government authority responsible for forestry.

(3) The procedure and criteria for registration and licensing of persons and installations referred to in para. (1) and (2) is approved by Government Decision on the proposal of the central public authority responsible for forestry.

Article 133. - (1) For public state forest property taxes are not paid.

(2) For buildings located in the forest to pay the taxes required by law.

Article 134. - National Forest - forest Kerslake may use public property, it administers the purposes provided in art. 11 para. (4) and (5), according to the methodology approved by Government Decision on the proposal of the central public authority responsible for forestry.

Article 135. - (1) By putting in possession of forest land under the land laws, the National Forest - Kerslake is required to perform technical work as forestry and forest management regulations imposed by the forest regime, giving owners the profit resulting from the capitalization of the respective timber.

(2) The profits are granted in cash or in kind, the owners request for validation and commissioning period of possession.

(3) of guard services and protection of forest vegetation on the land reverted to ensure, by law, the forest districts of the National Forestry structure - Kerslake and after putting in possession of forest land owners, individuals and companies, to the formation by them of their own administrative structures / provision of services to a contract, or forest management / forest service providing a detour existing forest, but no longer than 180 days from the finalization of the minutes of release possession.

(4) cost of the services provided under par. (3) is borne by the state budget.

Article 136. - (1) National Forest - Forestry Kerslake paid administrator or providing forestry services to return the amount of fund forest conservation and regeneration of forest related to the amount of wood harvested by cutting race, final or accidental I updated the date in possession, less the amount spent for regeneration up to date in possession, as applicable.

(2) The amounts referred to in para. (1) shall be paid to areas of forest regenerated, regardless of date of possession, and can not be less than the amounts required afforestation and maintenance work to achieve the solid state, within 12 months after entry into force of this Code.

Article 137. - Forests, other than public property, surrounded by forest planning in group I functional and those younger than 20 years are exempt from taxes.

Article 138. - Law No subsequent legislation. 26/1996 - Forest Code, Ordinance no. 96/1998, republished, with subsequent amendments, and Government Emergency Ordinance no. 139/2005, approved by Law no. 38/2006, as amended, remains in force until the development of legislation in accordance with this Code.

Article 139. - Upon the entry into force of this law are repealed:

a) Law no. 26/1996 - Forest Code, published in the Official Gazette, Part I, no. 93 of 8 May 1996, as amended and supplemented;

b) Government Ordinance no. 96/1998 on forestry regime and managing the national forest, republished in the Official Gazette, Part I, no. 122 of February 26, 2003, as amended and supplemented;

c) Government Ordinance no. 81/1998 regarding some measures for afforestation of degraded lands, published in the Official Gazette, Part I, no. 313 of August 27, 1998, approved by Law no. 107/1999;

- d) Art. 4-9 of Government Decision no. 954/2002 regarding the approval to establish concrete ways of forest management and distribution of material resources and financial resources due to natural and legal forests on their property and they manage the state forest structure based on contract and obligations, published in the Official Gazette, Part I, no. 686 of September 17, 2002, as amended;
- e) Law no. 545/2002 on the transition of forest land in Autonomous administration "Administration of State Patrimony", published in the Official Gazette, Part I, no. 726 of October 4, 2002;
- f) Government Ordinance no. 77/2004 to stimulate association of private forest owners for the purpose of sustainable management, published in the Official Gazette, Part I, no. 791 of August 27, 2004, approved by Law no. 515/2004, as amended;
- g) Government Ordinance no. 82/2004 on measures necessary for the accessibility of the forest by building forest roads, published in the Official Gazette, Part I, no. 796 of August 27, 2004, approved by Law no. 514/2004;
- h) art. Article 5. (2) of Ordinance no. 81/2004 on the establishment, organization and operation of game farms and hunting complexes, published in the Official Gazette, Part I, no. 795 of August 27, 2004, approved by Law no. 486/2004;
- i) Art. 1-9, art. 11-16 and art. 18 of Government Emergency Ordinance no. 139/2005 on forest management in Romania, published in the Official Gazette, Part I, no. 939 of October 20, 2005, approved by Law no. 38/2006, as amended;
- j) any other provision contrary to this Code.

ANNEX

DEFINITIONS

- A. Forest management - all activities with technical, economic and legal developed by forest districts, the senior structures or by the National Forests - Kerslake in order to ensure sustainable management of forests, with respect to the forest
- Two. Forest management plans - the basic document in forest management, organizational and technical content economically, ecologically based
- Three. Fitting forests - all concerns and measures to ensure the participation and keeping corresponding state forests in terms of ecological functions, economic and social that they meet
- Four. Stand - both forest portion homogeneous in terms of population of trees, and the site conditions
- Five. Arboretum - area of land that is cultivated, scientific or educational purposes, a collection of trees and shrubs
- 6. Circulation wooden materials - wood materials transport action between two locations, using the For this purpose any means of transport, and / or transfer ownership woody materials
- July. Composition-tel - the combination of particular looking to make a stand that combines optimally so in proportion, and by grouping their biological needs with the objectives multiple socio-economic or ecological
- August. Consistency - the degree of spacing of trees in the stand. Consistency, depending on development level of the stand, is expressed by the following indices:
 - a) density index - if semintisurilor, lastarisurilor or plantations completed without massive state;
 - b) index of density - determined in relation to the surface or

volume;

c) canopy closure index

September. Background check - all actions performed in the forestry, under the law, staff by providing forest management and forestry services, in order:

a) checking state and terminal limits amenajistice;

b) verification of forest area in order to identify, inventory and evaluation value of trees cut in crime, the usable semintisurilor destroyed or damaged, any other damage to the forest, and establish the causes which produced them;

c) checking the quality of opportunity and forestry work performed;

d) identify appropriate forest work;

e) verification of movable and immovable state forest related question;

f) inventory stocks of forest products existing on the surface it;

g) determining damages and / or damage to the forest, and proposals their recovery

10. Deforestation - action complete removal of forest vegetation, without being followed by regeneration, including removal and removal of trees and cioatelor shrubs, with change of use and / or destination land

11. Owner - owner, manager, forest service, carrier, depository, custodian, and any other person or entity in legal title under a forest or wood materials

12. Special device registers - registers forest hammers, tools used by forest personnel for marking trees, and wood cioatelor

13. Forest ecosystem - functional unit of the biosphere, consisting of biocoenosis, the role predominant population of trees we have and resort that occupies the

14. Logging - the production process which is extracted from raw wood forests under provided the forest regime

15. Sustainable management - managing and using forests to maintain and so their improve forest biodiversity, productivity, regeneration capacity, vitality, health and so as to ensure present and future ability to perform multiple functions of ecological, economic and social permanent local, regional, national and global without creating damage other ecosystems

16. Timber - all standing trees and / or shot down, whole or parts of them, including those in different stages of transformation and movement in the logging process

17. Saw - round or split wood working and firewood, timber, flanks, sleepers, sawn wood - with rectangular or square section - as well and wood carving. This category includes ornamental trees and shrubs, Christmas trees, and willow trees

18. Of forest - plant biological material through which the reproduction of trees breeding species and artificial hybrids, important for forestry purposes; these species and these hybrids are established by special law

19. Forestry - forest management unit created for and / or insurance forestry services, irrespective of forest ownership, with minimum surface formation as follows:

- a) in the plain area - 3,000 ha of forest;
 - b) in the hillside - 5,000 ha of forest;
 - c) in the mountain region - 7,000 ha forest
20. Temporary occupation of land - a temporary change of use of land for forest destination in and the period determined in accordance with the law
21. Precomptare - action to replace the volume of timber expected to be harvested from arboretele included in harvesting plans decennial volumes of main products resulted from the wood of trees affected by factors entirely biotic or abiotic or in stands older than 60 years, partially affected biotic and abiotic factors or from legal logging and cutting illegal
22. Parquet - forest land that is made of timber harvesting in order achieve a cutting care or treatment of a particular
23. Protective forest - forest vegetation formations, located at a distance from each other or against a target in order to protect against the effects harmful factors and / or for improving climate, economic and aesthetic sanitary land
24. Area of improvement - degraded or unproductive agricultural land can be improved by afforestation, whose enhancement is required in terms of protecting soil, water regime of improved environmental conditions and biological diversity
25. Orchards - forest culture consists of trees from several clones or families identified in defined proportions, isolated from the pollen source strain and is led so frequently to produce crops abundant seeds, easily harvested
26. Possibility - the volume of wood that can be harvested from a forest management planning under forest during its implementation
27. Possibility year - the amount of wood that can be harvested from a forest that the relationship between possibility and the number of years the applicability of forest arrangements
28. Damage to the forest - the effect of human activities, through which the integrity of forest and / or implementation functions that it should provide them. These actions can affect the forest:
- a) directly, through actions carried out illegally;
 - b) indirectly, by actions whose effect on the forest can be quantified over time. Fall into this type effects on behind their pollution, achieve construction, exploitation of resources minerals, identifying cause-effect relationship studies certified conducted by competent bodies, neamenajarea limiting areas propagation of fire and equip minimum failure intervention in case of fire
29. Benefit forest - works with technical forestry by forest ranges, based on contract, in forests outside the national forest
30. Territoriality principle - making forest management and services, as appropriate, under contract, the the Forestry Department which has the majority of forest unit area administrative-territorial
31. I accidentally Products - wood volume affected trees resulted from factors wholly biotic and abiotic, the exploitation of trees in stands older than

- 60 years, partly affected by biotic and abiotic factors, or those coming from deforestation legally approved
32. Products accidental II - resulted from wood volume of trees in stands aged up to 60 years, partly affected by biotic and abiotic factors
 33. The source material - source located where the wood materials were obtained, respectively:
 - wood a) national forest;
 - b) forest vegetation outside the forest;
 - c) sorting centers and woodworking;
 - d) storage of wood materials;
 - e) markets, fairs, oboarele and others authorized to marketing woody materials;
 - f) import
 34. The average price of a cubic meter - the average sales price of a cubic meter of standing timber, calculated
 - of standing timber on national statistics from previous year
 35. Forest regime - general management of forests, based on regeneration from seed
 36. Regime grove - general management of forests, based on vegetative regeneration
 37. Forest regime - uniform system of technical standards forest, economic and legal on planning, culture, exploitation, protection and forest guard, in order to ensure sustainable management
 38. Category change - change of use of land to maintain the destination forest, determined change of use of forest arrangements in order to execute
 - works, facilities and construction needed to manage forests
 39. Remove permanent fund - permanent change of destination forest land to another destination, national forest in the law
 40. Forest Service - all activities with technical, economic and legal developed by forest districts, the senior structures or by the National Forests - Kerslake in order to ensure sustainable management of forests, with respect to the forest, except for wood turning
 41. Vegetation season - during the year after the vegetation has a stand to resting vegetative
 42. Forestry - all the concerns and actions on forest knowledge, creation and its care, harvesting and rational use of its products, Primary wood processing, and organizing and leading the entire management process
 43. Storage space - space delimited, the owner has the right to wooden materials storage of wood materials make them in for consignment for transport, primary and industrial processing, marketing, and platforms primary at the foot of wood cutting
 44. Solid state - a state of regeneration can be developed independently as a result of that copies of its components performs a density that provides their mutual conditioning thrive, without the necessary completion and maintenance works
 45. Senior forest structure - the structure in which subordinates may, in technically, districts higher private forest
 46. Subunit of management - a division of production units and / or protection, established following the arboretelor grouping of unit production and / or protection depending on management goal

47. Unproductive land - the land area of at least 0.1 ha, which does not have stationary conditions allowing the installation and development of forest vegetation
48. Degraded land - land erosion, pollution and destructive action of factors anthropogenic permanently lost agricultural production capacity, but can be improved by afforestation, namely:
- a) land with very strong surface erosion and excessive;
 - b) land with erosion depth - gorges, ravines, streams;
 - c) land affected by active landslides, collapses, collapses and leaks muddy;
 - d) sandy soils exposed to erosion by wind or water;
 - e) land with clusters of gravel, boulders, debris, rocks and deposits torrential sediments;
 - f) land with permanent excess moisture;
 - g) land or strongly acid salt;
 - h) land polluted with chemicals, oil or noxious;
 - i) land filled with mining waste dumps, industrial waste or household pits loan;
 - j) land productive, if they are not as natural habitats;
 - k) land mobile sand, which requires afforestation works for dropping them;
 - l) lands in any of the categories listed at. a)-k), which was improved by forestry plantations and vegetation that was removed
49. Unit of production - forest area for which a forest management plans are developed. and / or protection of a constitution protection and production units are taken into account following principles:
- a) it is the pools or on river basins, in the same round forestry;
 - b) the delimitation of boundaries is achieved by natural or artificial permanent forest ownership limit, respectively.
- It includes a production unit and / or protective properties whole undivided, properties can fragment only if their surface is larger than the maximum set of technical rules for a unit production and / or protection
50. Non-forest vegetation - forest vegetation located on land outside the national forest, national forest that does not meet one or more criteria for defining the forest, the consists of the following categories:
- a) species forest plantations on agricultural land;
 - b) forest vegetation on pastures with less consistency than 0.4;
 - c) forest hay;
 - d) forest and tree plantations with species protection areas hydrotechnical works and land reclamation;
 - e) trees located along the waterways and canals;
 - f) Urban green areas other than those defined as forests;
 - g) and arboretum dendrological parks other than those in forests;
 - h) alignments of trees located along transport corridors and communication
51. Deficient in forest area - county in which forest area is less than 16% of the its total

