

“Integrated Management of Biological and
Landscape Diversity for Sustainable Regional
Development and Ecological Connectivity in the
Carpathians”

Report on the identification of key issues for harmonization of sectoral policies and legislation for integrated management



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Diversity for the
Environmental Protection
Agency Sibiu

- I. Identification of key issues for harmonization of sectoral policies and legislation for integrated management.
- II. Collecting proposals and methodologies in various related fields
- III. Recommendations to improve legislation in this area

Introduction

This report was compiled by the Association for the Conservation of Biological Diversity for the Environmental Protection Agency from Sibiu , under contract no. 2401/18.02.2013 signed within the project " Integrated Management of biological and landscape diversity for sustainable regional development and ecological connectivity in the Carpathians (Carpathian BioREGIO) " .

The main purpose of the report is to integrate into a single document available information on current legislation in the field of mammalian species management , analyze the key aspects that may be useful to harmonize sectoral policy issues and the necessity of legislative amendments .

The information collected mainly come from strategies , action and management plans (for protected species) , technical reports from various projects implemented or ongoing, official reports of public authorities and the European Commission, scientific works and websites of international initiatives for biodiversity conservation. The report is only a necessary element to be realized in the process of establishing common measures for Integrated Management (CIMM) for the Carpathian region .

I. Identification of key issues for harmonization of sectoral policies and legislation for integrated management.

Dependent on the existence of stable ecosystems, balanced and well secured through long-term harmonized sectoral policies, the mammals inhabit today large spaces where the use of the natural resources is based on national and community regulations. Between these regulations, the European policies and strategies are imposing the principles and guidelines of action at Community level.

The principles underlying EU policy and strategy in environmental protection and sustainable management of natural resources.

With the multiplication of its sources, the environmental law is now subject to a number of principles, which are the supreme moral values and guidelines which guide the entire business of developing and implementing environmental protection measures [6]. At EU level, the following principles of environmental law and related legislation on the conservation of biological diversity are well-known: **1. The principle of sustainable development.** It targets rational

use of limited and renewable resources, in a manner that does not compromise them. Exploitation of resources should be made in a manner that ensures optimum sustainable efficiency. In 1987 World Commission on Environment and Development defined sustainable development as "development that meets present needs without compromising the opportunities of future generations". [6]

2. Principle of protection implies avoiding any harmful activities to the environment and taking all possible measures to prevent environmental damage. The principle implies a cautious attitude and to protect environmental factors when actions are taken. Implementation of this principle is usually through or in conjunction with other measures and principles, often with the precautionary principle [6].

3. Polluter-pays principle was enunciated by the Organisation for Cooperation and Development in Europe (OECD) under Recommendation C (72) 128 of 26 May 1972 and was later incorporated in the legislation. The transposition into Community law

of the principle was made by European Parliament and Council Directive no. 2004/35 of 21 April 2004 which aims to establish a framework to prevent and repair damage based on environmental responsibility, founded on the "polluter pays" principle. Polluter-pays principle results in internalisation of pollution costs (at the level of the polluter), pollution prevention and repairing the damage caused by pollution. Principle allows the imposition of the prevention and remediation fees by public authorities in charge of the polluter [6].

4. Precautionary principle, often called the principle of preventive action or principle of correction with priority at source. It should be applied before undertaking a specific action or approach which could affect the environment. When there is a risk, even potentially, there is the possibility of damage, and this must be prevented [6]. The principle was incorporated in the Council Directive. 85/337/EEC of 28 June 1985 on environmental impact assessment of some projects which are likely to have significant effects on the environment. The environmental impact assessment was completed in 2001 by

Directive nr.2001/42/CE, of 27 June, on the assessment of the environmental consequences of certain plans and programs [6].

5. The precautionary principle requires pollution prevention rather than seek further solutions to remedy the situation. If prevention is based on risk assessment in relation to the knowledge at a given time, the precautionary principle requires to act even in the absence of scientific certainty. **The foundation of this principle is that the absence of full scientific certainty does not constitute an obstacle to take the necessary steps to avoid serious environmental incidents.** Treaty on European Union has only one explicit reference to the precautionary principle, in the title of environmental protection [6].

6. The principle of public participation implies the right of citizens, organizations, groups and organizations to participate in solving environmental problems. The principle has received international acknowledgment at the Rio Summit, being enrolled as the 10th principle in the Declaration adopted by that occasion. At Community level since 14 February 2005 entered into

force the European Parliament and Council Directive nr.2003/4/CE of 28 January 2003 on public access to environmental information [6].

7.The principle of integration envisages that achieving environmental protection can not be done acting independently, implementing environmental protection measures must be undertaken in an integrated manner, taking into account environmental issues in all other policies. Environmental policy must be an inclusive policy that ensures a balance between the various competing interests. At Community level, in the European Community Treaty, the principle is found in the provisions of Article 6, according to which "environmental protection requirements must be integrated into the definition and implementation of Community policies and activities referred to in Article 3, in particular to promote sustainable development "[6].

At international level, ensuring compliance and integration of similar principles used for ensuring the sustainability regarding the integration and harmonization of legislation on the management of natural

resources and the need for sustainable development, a series of measures in the field of biodiversity protection were adopted [6]. In our approach to identify the key issues for harmonization of sectoral policies and legislation on integrated management, a central element was the critical analysis of these documents, especially as most of them were adopted by Romania and are subject to laws in force.

International documents on the protection of biodiversity

The first international conventions relating to natural species are relatively old and report, most often, the optimal management of the natural resources, than a real protection. For example, the Convention for the Protection of Birds Useful to Agriculture, or the Interim Convention on Conservation of seals in the North Pacific have an utilitarian vocation more than altruistic [6].

Convention on Biological Diversity was signed on 5 June 1992 at the conference in Rio . It was supplemented by a Protocol

on preventing the risks of biotechnologies. Convention on Biological Diversity (CBD) is a framework convention whose triple objective is defined from the first article: " conservation of biological diversity , sustainable use of its components , the fair and equitable sharing of the benefits arising from the use of genetic resources ." It provides the conservation in situ and ex situ preservation of species and habitats . To achieve the objectives of the Convention, several organs were established, as follows: Secretary , Centre for the exchange of information , the Conference of the Parties. So far, the Conference of the Parties adopted only the Cartagena Protocol on Biosafety [6] . Convention on Biological Diversity was ratified by Romania by Law no. 58/1994 , and the Protocol on Biosafety , adopted in Cartagena , by Law nr.59/2003

Bonn Convention, on the conservation of migratory species belonging to wildlife aims the management and protection of all species whose populations or part of their populations "are moving in a cyclical and predictable manner across one or more national

jurisdictions" . Convention is accompanied by two appendices: Annex I - endangered species - on which hunting shall be prohibited, and Annex II - species whose protection level is not enough, they may be the subject of international agreements between countries, to ensure their protection. Romania joined the international act by Law no. 13/1998, published in Official Monitor no. 24 of 26 January 1998. European Community became a party to the Convention by Decision nr.82/461 EEC of 24 June 1982 [6].

Bern Convention relating to the conservation of wildlife and natural environment in Europe, is an agreement signed under the aegis of the Council of Europe. The international act aims to conserve wild flora and fauna and their natural habitats, and especially those whose conservation requires the cooperation of several states. By no.82/72 EC Decision of 3 December 1981, the European Community became a party of the Bern Convention. Romania joined the Bern Convention by Law nr.13/1993 [6].

CITES-Convention on international trade of endangered wildlife species, adopted on 3 March 1973. It aims to protect endangered or threatened with extinction and the establishment of cooperation between exporting, importing and transit countries [6]. **Convention restricts trade in animals or plants**, through a system of lists, categorized into 3 annexes:

- Appendix I includes species threatened with extinction and whose marketing should remain quite exceptional;
- Appendix II includes species that may be threatened with extinction if not adopted regulations on their marketing;
- Appendix III includes species that a State Party wants to protect, and this measure requires international cooperation.

Protection and integrated management of animal species under Community law is achieved mainly through two directives (adopted in 1979 and 1992) on the conservation of

wild birds and the protection of habitats and wildlife species [6].

Besides these, the EU has also adopted a series of sectoral regulation. Also it joined and is party to certain international conventions on the protection of species and biodiversity. The sequential approach to the legal framework to protect the species and habitats is justified on only of theoretical grounds, in practice both regulations envisage to protect the environment and the conservation of species [6].

European regulations for the protection of wildlife

No.338/97 Council Regulation of 9 December 1996

was adopted in order to ensure the conservation of wild fauna and flora species, endangered at the Community level. It replaced the Regulation no.3626 from 1982 which had the same type of regulation. Regulation aims to develop a system of control over the trade in endangered species , establishing the conditions of the import, export or re-export them , and of movement within the European Union under the CITES Convention . Regulation

establishes two documents, namely import permit and re-export certificate issued by the competent authority of the State in which the specimen is undergoing the operation [6] .

European Commission may at any time impose restrictions on the holding or movement of specimens of species whose introduction in the European Union is subject to certain restrictions. On 13 June 2007 the European Commission issued Recommendation no.2007/425/CE by which was established a set of measures for applying Regulation nr.338/97/CE , including: the adoption of national action plans for coordinating the implementation of Regulation , establishing severe penalties in case of offenses of the protection regimen established by the Community law , equipping the competent national bodies in this field, providing financial resources , etc. [6] .

In Romania , the Government Emergency Ordinance

nr.57/2007 with subsequent amendments ensured the application of the no.338/97/CE Regulation. The power belongs to the central public authority for environmental protection [6]

No.92/43/CEE Council Directive of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora species, known as the " Habitats Directive " .

Regulation is mainly aimed at maintaining biodiversity in sustainable development context , and for this Directive seeks conservation of natural habitats and of wild fauna and flora . Directive contains five annexes containing habitat types, the selecting criteria for target species by the Community act , the species of Community interest, species requiring strict protection , and those that are likely to be subject to special management . Habitats of Annex I and II are subject to protection through Natura 2000 network, while a system of strict protection for the animal species listed in Annex IV shall be implemented by the states , a

priori, without geographical boundaries [6] .

Each Member State must contribute to Natura 2000 (network) in proportion to the representation within its territory of the natural habitat types and habitats of species listed in Annex II , designating sites as special areas of conservation, taking account of the objectives of the Directive.

To prevent the deterioration of habitats and disturbance of the species , **the State must establish the necessary conservation measures of these areas** , and in legal terms , the 'Habitats' Directive sets for all Member States of the European Union , an important requirement , namely , to contribute to ensure biodiversity through the conservation of natural habitats and of wild fauna and flora , but **each state by its own means chosen for attainment of the goal [1]** .

In 2007, for full compatibility with the environmental acquis, no.57/2007 Government

Emergency Ordinance on protected natural areas , natural habitats , wild flora and fauna was adopted. For the implementation of Directive 92/43/EEC there were established five bio-geographical regions : Alpine , Continental , Pannonian, steppe and the Black Sea .

Under the Commission's proposal were listed ten priority objectives related to areas:

- ✓ **important habitats and species;**
- ✓ **measures for rural and marine environment;**
- ✓ **improving regional development accounting with nature;**
- ✓ **reduce the impact of invading alien species;**
- ✓ **effective international governance;**
- ✓ **measures for biodiversity in international development context;**
- ✓ **reduce the negative influences of international changes;**
- ✓ **strengthening the knowledge base.**

Legislative issues governing plans / programs implementation and integration into national or regional strategies

National legislation harmonized with EU legislation on human activities with a potential significant impact on the environment and natural resources management in general and biodiversity in particular, indicates that there are legal procedures well formulated and designed to reduce human pressures on biodiversity, aspect underlying the foundation of sustainable development [1].

In this respect in Romania a legislative framework for the regulation of any plans, programs or projects that could harm national natural capital, was created and developed. There are treated legislative procedures on environmental assessment for plans and programs (SEA) and Environmental Impact Assessment (EIA) [1]. The general procedure of regulation is described in Government

Emergency Ordinance no. 195/2005 on the protection of the environment, as amended and supplemented [1]. This procedure divides the necessary measures to be taken to protect the environment in three specific procedures:

The first procedure concerns the environmental assessment for plans and programs, called the Strategic Environmental Assessment (SEA) and the issuance of the environmental permit. This assessment is a tool to ensure that environmental impacts are taken into account starting from the initiation phase of plans and programs [1]:

a. competent environmental authorities, excluding National Environmental Guard and its subordinate structures, lead regulatory procedure and shall, where appropriate, issue regulatory acts under the law.

b. during regulatory proceeding for projects or activities that may have significant effects on other countries, environmental authorities have the obligation

to comply with international conventions ratified by Romania.

c. the environmental assessment procedure , the structure of the environmental report and the issuance of the environmental permit for plans and programs , including those with transboundary effects are established by Government Decision no. 1076/2004 on establishing the procedure for environmental assessment for plans and programs , as amended and supplemented.

A second procedure governing the potential negative human impact on the environment is the Environmental Impact Assessment (EIA) for issuing the environmental permit . For obtaining the environmental permit, public or private projects that may have significant environmental impact , by nature , size or location, are subject to the decision of the competent authority for environmental protection, on environmental impact assessment [1] . The development of the existing

activities and starting new activities with significant environmental impact may be made only on the basis of the integrated environmental permit. The procedure for environmental impact assessment and environmental permit issuance is governed by Government Decision No . 1213/2006 on the procedure - setting of environmental impact assessment for certain public and private projects [1] .

Evaluation of possible transboundary impact on the environment is regulated by Ministry of Waters and Environmental Protection no. 864/2002 for the approval of the procedure of impact assessment and public participation in decision-making , where trans-border projects and by Law no. 22/2001 , ratifying the Convention on Environmental Impact Assessment in a Transboundary Context , adopted at the Expo, on 25 February 1991 [1] .

The environmental permit is issued in parallel with other

regulatory documents issued by competent authorities according to the law . The development of existing activities and starting new activities with significant environmental impact may be made only on the basis of the integrated environment permit . Authorization of all these activities is a third regulatory procedure of the negative human impact on the environment [1] .

As a first conclusion on identifying key issues for harmonization of sectoral policies and legislation on integrated management is that the current legislation on the issue of regulatory documents

for plans / programs primarily involves mandatory public consultation and public authorities interested in the effects of the implementation of plans and programs and taking into account of the environmental report and the results of the consultations in decision making and informing the public about the decision [1]. This approach makes the involved stakeholders in the effective management of LC and LH, could participate in the decision-making process and may require or influence their plans harmonization and integration in regional and national strategies.

II. Collecting proposals and methodologies in various related fields

Management of the mammal species is directly related to the overall management of biodiversity. Related fields and operational objectives related to management of the mammal species identified in the National Biodiversity Strategy 2010-2020 are:

Spatial planning

Operational objective: Develop and implement policies of spatial planning to support biodiversity conservation. Special attention should be paid to the ecological corridors, the areas outside protected areas but which have a high level of biodiversity, such as mountain areas, coastal areas and wetlands [11].

Forest management

Operational objective : Implement general guidelines for forest conservation at European level (the Helsinki Conference - Resolution H2) and the recommendations of the Intergovernmental Forum on Forests (IPF) [11].

Exploitation of wild species with economic value

Operational objectives :

- 1.Promoting the sustainable use of species with economic value ;
- 2.Development of technical conservation measures to ensure the sustainable use of species of economic interest ;
- 3.Prohibition of aquaculture practices and captive breeding of game species that could affect the conservation status of wildlife species and natural habitats [11].

Agriculture

Operational objective : Maintain and develop extensive agricultural practices and traditional methods of land use that provides semi -natural habitats conservation [11].

Tourism

Operational objective : The inclusion of landscape components and biodiversity conservation principles as major conditions for development of tourism infrastructure [11].

Transport Energy and Exploitation of non-renewable resources

Operational objectives: Application of SEA , EIA and EA procedures for the plans and projects of transport infrastructure , energy and non-renewable resource exploitation [11].

National Strategies and Programs that target the related fields above mentioned with implications at the level of the management of natural resources in general and of wildlife species in particular

Natural resources are an essential component of Romania's wealth. To improve living conditions in Romania the natural resources need to be exploited in a sustainable manner [6] .

The mission of sustainable development is to find ways of economic growth and development , along with the rational use of natural resources, so that the renewable resources can be maintained and the nonrenewable ones be used at a rate that takes into account the

needs of future generations [1] , [6] .

Romania's natural assets will be an important contribution to the European Union, which will be enriched with an important area of two significant overall eco - regions , namely the Danube with Danube Delta and the Carpathian Mountains . In addition, Romania will bring the EU habitats and species belonging to five biogeographical regions [6] .

National Biodiversity Strategy and Action Plan

Biodiversity or biological diversity concept was first defined in the context of a new international environmental instrument in the UNCED Earth Summit 1992 in Rio de Janeiro. This means the diversity of life on earth and involves four levels of approach : ecosystem diversity , species diversity , genetic diversity and ethnocultural diversity [11].

In terms of its conceptual biodiversity has intrinsic value, but also ecological, genetic, social , economic, scientific , educational, cultural , recreational and aesthetic values.

Representing the primordial condition of the existence of human civilization, biodiversity provides life support system and of the development of socio-economic systems. In natural and semi-natural ecosystems intra- and interspecific connections are established which exchanges material, energy and information that ensures productivity, adaptability and resilience. These interconnections are extremely complex and it's difficult to estimate the importance of each species in the functioning of these systems and what are the consequences of the disappearance or reduction of their numbers to ensure long-term survival of ecological systems, the main provider of resources on which the human welfare and development depend. Therefore, maintenance of biodiversity is essential for the survival of all life, including humans [11].

The economic value of biodiversity is evident by the direct use of its components: non-renewable natural resources - fossil fuels, minerals, etc. and renewable natural resources -

plant and animal species used as food or for energy or extraction of substances such as those used in cosmetic and pharmaceutical industry. At present we can not say that we know all the valences of any species and how they can be used or accessed in the future so that the loss of either of them limits the opportunities for human development and of the efficient use of natural resources. Equally important is the role of biodiversity in providing services of ecological systems, such as adjusting the climatic conditions, water purification, mitigation of natural disasters, etc. [11]. As a signatory to the CBD, Romania was obliged to apply the provisions of art. 6, which provides that parties must "develop national strategies, plans and programs for the conservation of biological diversity and sustainable use of its components, or adapt for this purpose strategies, plans or existing programs" [11].

So far there have been developed two SNPACB's, first in 1996, two years after ratification by Romania of the CBD, and the second in 2000, following the

decision to join the European Union to take over the Community's acquis [11]. The third SNPACB addresses the period from 2010 to 2020 and was conducted under the UNDP / GEF project: "Support for the Compliance of the National Strategy and Action Plan for Biodiversity Conservation with CBD and the development of an information mechanism (Clearing-House mechanism - CHM) " . Content and achievement were established taking into account Decision VIII / 8 of 2005 on Guidelines for SNPACB review [11].

The methodology was based on a detailed analysis of the current situation to assess the current status of biodiversity conservation at the national level , identification of the direct threats that cause or may cause loss of biodiversity , as well as analysis of how legal and institutional system meet in this area . Obligations , threats and obstacles were prioritized and strategic and operational objectives were identified. For each operational objective a set of actions has established and for

each action there were established the deadline for implementation , the responsible authorities , the estimated budget and funding sources , the priority level and performance indicators . The budget of each action was estimated according to its specificity , based on previous studies and financial evaluations , which includes staff / consulting costs, equipment , execution of works etc. . [11]. Prioritization was determined by the severity of the threats , the vulnerability of the biodiversity components and the obligation to comply with the EU and international biodiversity conservation requirements [11]. In the first stage the conceptual framework and the courses of action were established and a group of experts was selected to draw up the document on their areas of competence . For consistency and to identify more precisely the current situation and barriers after the first stage of analysis , the document was submitted for public debate , being distributed to all stakeholders and presented at a working meeting with them [11]. The second stage consisted in

outline the Strategy and Action Plan , a document submitted also for public debate at a national working meeting attended by representatives of stakeholders [11].

After analyzing the comments received, the last form of the strategy was drafted and forwarded to the central environmental authority for the acceptance and adoption of the strategic document by Government Decision . [11]

Operational objectives to ensure the favorable conservation status of protected species [11]:

1. Develop, update and adoption of National Red Books and Lists of flora and fauna;
2. The adoption of specific regulations and of an institutional framework to ensure a favorable conservation status of strictly protected species of Community interest and of the protected species of national interest outside protected areas;
3. Improving the institutional and administrative framework for the control of the collection / capture, purchase and sale of

- protected species;
4. Identifying and defining migration / movement corridors for species;
5. Developing, adopting and implementing of the Action Plans for Conservation of Protected Species;
6. Ratification of amendments to Annexes AEWA and EUROBATS.

Operational objectives to ensure the integration of biodiversity conservation priorities , respectively of wildlife species, in sectoral policies and strategies [11]:

1. Appropriate impact assessment of strategies, policies, plans and programs on biodiversity;
2. Increasing stakeholder participation in appropriate impact assessment procedures;
3. Internalization of the biodiversity value in the cost / benefit analysis;
4. Identification and introduction of incentives for the sustainable use of biodiversity components and elimination of those that have a negative impact;

National Hunting Strategy

Developing strategy in the hunting field at national level during 2006-2025, divided into short, medium and long term alignment, starts from the premise of alignment with the European requirements, given Romania's efforts to integrate into the EU structures, while respecting the traditions and the national heritage in the hunting field.

The strategy is formulated and adapted to current conditions, given the complex role of the central public authority responsible for the activity of hunting, the large area with a high degree of dispersion which it manages, the fast and profound mutations regarding property in the last decade and the vast majority of staff with responsibilities in the hunting field. [12]

In this regard there were established the key strategic objectives and the specific objectives in the short, medium and long term, accompanied by specific measures that take place in certain time through the factors involved in this field in Romania, under the coordination of central public authority responsible for forestry. Also, it

was taken into account the fact that the activity in the hunting field is an integral part of forestry activity [12].

Protection and sustainable use of environmental resources, which includes the game species, is a target of interest for the Romanian policy [12].

As a result, the objectives of the hunting strategy are subordinated to the policy of this field, which is the sustainable use of game resources and biodiversity conservation while maintaining an agro - forest - hunting balance [12]. The objectives and measures formulated watched the compliance of the following principles [12]:

- Hunting is a public good of national and international interest;
- The State is the administrator of national hunting fund;
- The game management areas are created in all types of land, regardless of ownership, and have the following surfaces: at least 5,000 ha in the plain, at least 7,000 hectares in the hills, at least 10,000 ha in the mountains.
- The state assigned the game management areas to the following categories of managers: non-governmental organizations, non-profit, based on the principle of free association of

hunters , whose object of activity is the sustainable management of the game management areas and the practice of hunting; the manager of state property forest; public property forest managers of the administrative territorial units; administrators of private forests ; public scientific institutions which have the object of activity the scientific research in the hunting field ; learning institutes that have the specialization the study of the game and hunting ;

- Eliminate barriers between Roman citizens and citizens of European Union member states by eliminating differentiation related to citizenship for access to wildlife resources ;

- Distribution of a significant part of the hunting lease awarded by public auction to the landowners ;

- Provide a fair and workable compensation for damages caused by game;

- **Subordination of hunting to the purpose of wildlife biodiversity conservation and maintenance of ecological balance;**

- **Organizing and conducting the hunting activities in accordance with international conventions for the protection of wildlife, which Romania is a party or joined;**

- Respect for law and order in hunting activity;

- Promote and respect competence at all the levels of hunting organization [12].

According to the Law on hunting and game protection (Law no. 407/2006 with subsequent amendments), the game species are considered a renewable natural resource , a public good of national and international interest and the pursuit of hunting is done in order to ensure ecological balance , to improve the quality of the populations of the game species, for scientific research and teaching purposes or for recreation and sports [11] .

To conserve the game species, the administrator with the central public authority responsible for environmental protection and the manager defines in each game management area one or several quiet zones where the exercise of hunting is prohibited. The quiet zone for the wildlife has to cover at least 10% of the total area of each game management area. Inside the ecological corridors of migration or natural habitats of Community interest, the quiet zones are integrally or partially

created, as appropriate, in their area . Inside the national parks and into the integral protection and strict protection areas of natural parks, the hunting is prohibited [11].

Almost all the territory of Romania is divided into game management areas (21,966,355 ha). From a total of 2149 game management areas , 570 are managed by NFA , including 22 hunting units for research and 14 special genetic reserves . The reserves for conservation of genetic resources were designated for large carnivores (7) , red deer (3) European bison (2) and as wintering quarters for birds (2) [11]. The most game management areas are managed by hunting associations affiliated to the General Association of Hunters . There are also some game management areas managed by hunting association unrelated to the GAH [11].

For the strictly protected species such as the brown bear, wolf and wild cat , the evaluation of the populations has started to become a participatory process . Also , this is observed in the evaluation of the populations of chamois in national parks [11].

The report on the state of forests in 2007 were identified some issues on the practice of hunting , such as [11]:

→ The procedures for issuing hunting licenses , the hunting methods and principles for selection of animals to be removed do not always comply with the regulations;

→ The methods of evaluation of the populations do not always comply with the regulations, the hunting quotas being overestimated and leading to the population decline .

In Romania there are 18 hunting pens where game species are kept for hunting. In some farms there are kept different alien species or subspecies and varieties that can affect natural wildlife if escaping into the wild . Beyond the animal rights issues, the existence of these pens may largely reduce hunting pressure on wild species , many hunters preferring easier ways of hunting [11].

Sectoral Operational Program Environment (SOP Environment)

Romania has elaborated in the "Convergence" objective for the programming period 2007 - 2013 seven operational programs . Sectoral Operational Program Environment (SOP) was developed in accordance with the third priority of the National Protocol for Development 2007-2013 - " to protect and improve the quality of the environment" , as well as with Priority 1 of the National Strategic Reference Framework - "Development of the basic infrastructure to European standards " [8] .

SOP contains essential elements for successful implementation of the NDP and NSRF in environmental protection field, the main objective is to promote sustainable development of the whole country. Given the close link between environment and other economic and social sectors , SOP has been developed in close conjunction with other operational programs and has been considered to avoid duplication , achieving complementarity between programs and compliance with

the objectives of the Lisbon strategy [8] .

SOP is designed to lay the foundation and be a catalyst for a more competitive economy , a better environment and a more balanced regional development . SOP is based on the objectives and priorities of environmental policy and infrastructure development of the European Union , reflecting Romania's international obligations , as well as specific national interests [8].

SOP continues the programs for environmental infrastructure development at national level which were initiated during the assistance for the pre –accession, Phare and ISPA in particular . In addition to infrastructure development , SOP Environment targets to establish efficient management structures for the relevant services in terms of environmental protection. Also, the SOP priorities include some interventions in the fields less addressed so far, like efficient heating systems , risk prevention, ecological reconstruction or implementing Natura 2000 management plans [8] .

The overall objective of SOP is to protect and improve the

environment and living standards in Romania, aiming the compliance with the environmental acquis requirements. The objective is to reduce the gap between EU and Romania regarding environmental infrastructure, both in terms of quantity and quality. This should be reflected in effective public services , taking into account the principle of sustainable development and the principle of "polluter pays" [8] .

The specific objectives of the Sectoral Operational Programme Environment are [8] :

1. Improving the quality and access to water and wastewater infrastructure , by providing water supply and sewerage in most urban areas by 2015.

2. Development of sustainable waste management systems by improving waste management and reducing the number of historically contaminated sites in at least 30 counties by 2015.

3. Reducing negative environmental impacts caused by urban heating systems in most polluted localities by 2015

4. Protection and enhancement of biodiversity and natural heritage by supporting protected areas management, including the implementation of Natura 2000 network

5. Reducing the risk of natural disasters affecting the population, by implementing preventive measures in the most vulnerable areas in 2015

The program covers the period 2007-2013 , but its objectives follow the development needs of Romania after 2013, by laying the foundation of sustainable development through targeted investments . POS will contribute to fulfill the obligations that Romania has in the environmental sector , offering investment opportunities in all the regions of the country [8] .

The main priorities of environmental policy, which is related to the wildlife species management, are [8]:

- Assess the current state of ecological factors and laying the foundation of a long-term development strategy in the fields of environment, renewable and non-renewable resources

- Strengthening institutional capacity in environmental field
- Expanding of the national network of protected areas and nature reserves , Romanian seaside coastal infrastructure rehabilitation, economic and environmental resizing of the Danube Delta
- Strengthening cross-border and international partnerships with similar institutions in other countries in order to monitor the progress in the implementation of international agreements
- Strengthening partnerships with non-governmental organizations in designing and implementing public policies in the field.

Given the close link between environment and other economic and social sectors , SOP Environment has been developed in close conjunction with other operational programs and has been considered to avoid duplication , achieving complementarity between programs and compliance with the objectives of the Lisbon strategy [8] .

National Strategy for Ecotourism Development in Romania

The application of current principles of sustainable tourism development in natural areas has led to the birth of ecotourism as a distinct form of tourism which aims to respect the integrity of natural landscapes , of ecological biodiversity , in accordance with the requirements of certain segments of tourists who wish to spend their holidays in nature [10] .

The more these resources are more varied and complex , but mostly unspoiled by human activities , the tourist interest for them is higher and the tourist activities they generate are more valuable and more attractive , answering many tourist motivations [10].

Despite the fact that our country has a remarkable ecotourism heritage with a great potential for capitalization, ecotourism is still a fairly narrow segment of the tourism market , facing many problems such as poor cooperation at local level, modest promotion at national and international level, there is a limited offer, poorly diversified ,

an underdeveloped infrastructure for ecotourism in the protected areas, the labor migration , the low level of training of the employees in the field, etc. . [10]

The strategy aims to present the current situation of protected natural areas and the stage of development of ecotourism activities within and around them and come up with a set of policy proposals to guide the efforts of capitalization through ecotourism of those destinations, in line with the requirements of national legislation and international conventions to which Romania adhered [10] .

The aim of the strategy is to promote ecotourism as a primary form of tourism in these destinations at the expense of traditional forms of tourism and increasing role that ecotourism plays in the economic development of these areas and local prosperity .

Tourism has been one of the most successful industries in growth after the Second World War, tourism in the protected areas registering significant growth in recent years. Given the fact that environmental issues are becoming increasingly important

in the public agenda (especially in the countries of Europe and America that generate tourism) , travel agencies are becoming increasingly sensitive to both increased interest in the protected areas , and to the impact their tourists may have on them . [10]

World Resources Institute reports that over the last decade tourism based on natural experiments increased from 20% to 30%. [10] In addition, about 40% of international tourism is towards developing countries and with economies in transition, in which are located the majority of protected natural areas, as is the case of Romania. This is a surprising increase from the 3 % registered in 1950 [10] . These new destinations are often regarded as " Places of biodiversity " and although covering only 2% of the entire surface of the Earth , they comprise more than half of the entire biodiversity of the planet. As these fragile ecosystems are choked with traffic (human or vehicle) and its associated pollutants , their main attraction is threatened with destruction. Therefore, the challenge facing by tourism industry in Romania is to

maintain the balance between meeting growing demand for protected natural areas and preserving their integrity [10] .

Companies that promote environmentally responsible tourism increasingly recognize that often have a huge impact not only on the natural environment , but also on social and economic development of communities. A remarkable number of 8 million people are employed directly by the EU tourism sector and tourism also has an important indirect impact on jobs in industry related services . Some sources estimate that the number of jobs in tourism will increase by more than 2.5 million over the next 10 years [10] . Therefore tourism over the coming years will be an important opportunity for creating jobs - especially in Romania . But increasing the number of jobs is not the only beneficial impact of tourism . Tourist activities are also social, because tourism is not just an activity for the privileged few , but rather a common practice for the vast majority of EU citizens . [10]

FOREST EUROPE/National Forest Strategy and action plan

Ministerial Conference on the Protection of Forests in Europe (MCPFE) , known as FOREST EUROPE , of which Romania is a member , is the pan -European policy for sustainable forest management in Europe. FOREST EUROPE develop common strategies for its 46 member states and the European Union (EU) on the protection and sustainable management of forests [7].

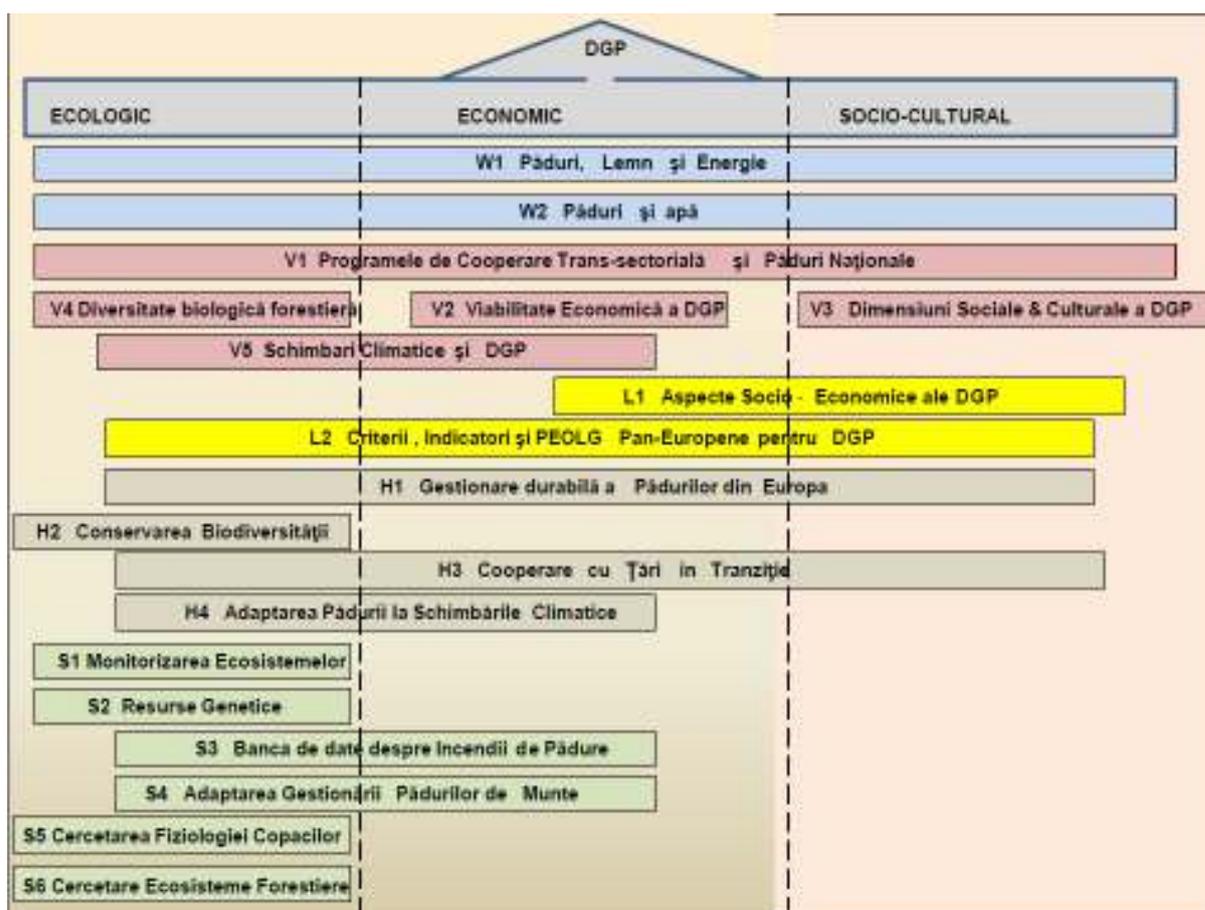
Since its founding in 1990 , nineteen resolutions were adopted in five Ministerial Conferences (Strasbourg 1990 , Helsinki 1993 , Lisbon 1998, Wien 2003 and Warsaw 2007) . By the FOREST EUROPE commitments , the concept of sustainable forest management (SFM) has been defined and developed continuously at pan-European level [7]. Commitments also served as a framework for the implementation of SFM in European countries. Among the priority issues of the FOREST EUROPE we mention enhancing the role of forests in mitigating climate change , security of supply of good quality drinking

water , improvement and conservation of forest biodiversity and provision of forest products . Other important tasks are to develop a framework for future forest collaboration and explore the possibilities of a legally binding agreement on forests in Europe [7] [9] .

Treaty establishing the European Community does not provide a specific common forest policy . The subsidiarity principle applies and the responsibility for forest policy lies with each Member State . However, the European Union adopted a forestry strategy in 1981 that emphasizes the importance of multifunctional role of forests and sustainable forest management for the development of society, and identifies a number of key

elements that form the basis for implementation [7].

It states that forest policy is the responsibility of Member States, but the EU can contribute to the implementation of the common policy based on the principle of subsidiarity and the concept of shared responsibility. It also emphasizes the implementation of the international commitments, principles and recommendations by national or sub-national forest programs or equivalent instruments, and by active participation in all relevant international processes in this field, and stresses the need to improve coordination, communication and cooperation in all policy areas relevant to the forestry sector [7].



Summary of Forest MCPFE Resolutions (source Functional Analysis Report on Environment and Forest Sector in Romania - Vol 2 SMIS code: 37608)

Ministry of Environment and Forests, together with subordinated institutions, launched in December 2012 an internal debate for the National Forest Strategy 2013-2022 [9]. In Romania rural development is a priority, and the contribution of the forestry sector for the purposes of this development is extremely important in providing jobs. Romanian Government

recognizes forestry as an area of strategic interest in the country. In this respect, for the years to come, forestry development must know appropriate competitive development, the last strategy for developing forestry sector dating from 2010 [9]. National Forest Strategy - was developed through an open, consultative and participatory

process, involving stakeholders in the forestry sector and adjacent sectors . Forestry Strategy aims to be effective and relevant , to integrate strategies and policies in other sectors which is closely related , in particular environmental , agricultural and rural development , energy , education, travel [9] .

National Development Plan 2007-2013

(NDP) is the strategic planning and multiannual financial programming document guiding and stimulating the economic and social development of the country in accordance with the principles of EU Cohesion Policy [8] . The plan sets the overall objective of reducing swiftly the socio- economic disparities between Romania and other European Union member states and details the specific objectives of the process on six priority areas that integrates direct and / or indirect biodiversity conservation and sustainable development requirements on short and medium term [8] :

- increasing the competitiveness and development of the economy based on knowledge must include as one of the main sub-priorities , the improvement of the energy efficiency and the use of renewable energy to reduce the climate change effects ;
- bringing the basic infrastructure at European standards with a focus on sustainable development of transport infrastructure and of the means of conveyance by reducing environmental impact;
- protect and improve the environment is a priority leading to improved living standards on the delivery of public utilities , especially regarding water and waste management ;
- improving sectoral and regional systems of environmental management ;
- **biodiversity conservation** and ecological restoration ;
- risk prevention and response to natural disasters ;
- development of rural economy and increasing productivity in agriculture, forestry and fisheries should be based on rational land use , ecological rehabilitation of

degraded or polluted areas, food safety , animal welfare, encourage aquaculture in coastal areas ;

- reducing development disparities between regions and within them should consider improving administrative performance and local infrastructure , protection of natural and cultural heritage , integrated rural development , urban regeneration of the areas affected by industrial restructuring , enhancing the business environment and promote innovation

Romanian National Strategy for Sustainable Development Horizons 2013-2020-2030

Sets goals for moving , within a reasonable and realistic period to the development model generating high added value , driven by interest in knowledge and innovation, oriented to the continuous improvement of people's lives and their relationships in harmony with natural environment [8] . The objectives set in the Strategy aim to maintain , strengthen, expand and continuously adapt the structural configuration and

functional capacity of biodiversity as a basis for maintaining and enhancing its ability to support the pressure of social and economic growth and to the foreseeable impacts of climate change [8] . The main directions of action , broken down by sectors and timelines are [8] :

- Linking rationally the development objectives , including investment programs in regional and cross-sector profile , with the potential and capacity to sustain natural capital ;
- Accelerated modernization of education and training, public health and social services , taking into account demographic trends and their impact on the labor market ;
- Generalized use of the best available economic and ecological technologies for all the investment decisions ; entrenchment of eco-efficiency in all production activities and services;
- Predicting the effects of climate change and development of action plans for crisis

situations caused by natural or anthropogenic phenomena ;

- Ensuring food security and safety by exploiting comparative advantages of Romania, **without compromising** the need to maintain soil fertility , **biodiversity conservation** and environmental protection ;
- Identify additional sources of funding for the development of large scale projects and

programs , particularly in the fields of infrastructure , energy , environment , food security , education, health and social services;

- **Protection and capitalization of the cultural and natural national heritage;** connection to European norms and standards on quality of life.

III. Recommendations to improve legislation in this area.

Legislative issues governing implementation of environmental policies at national level for the protected areas and biodiversity management

GEO . 57/2007 with subsequent amendments contain a number of issues that require clarification , some modifications or even deletions of content [1], [5].

Article 14 . (1) of the Emergency Ordinance no. 57/2007 with subsequent amendments provides that in order to improve the ecological coherence of the network of protected areas of national and community interest must be identified and established **the proper management for ecological corridors and landscape , as an area of major importance for wildlife** [1] . These ecological corridors , once identified, will be designated according to art . 14 paragraph (2) GEO . 57/2007 as amended and supplemented, by order of the head of the central public authority for environmental protection and the opinion of other bodies designated by law. Based on the

foregoing , there is a need to develop detailed rules leading to consistent and uniform identification of these ecological corridors at national level [1] .

These rules should include the list of species for which must be identified the ecological corridors , these corridors sizes , depending on the ecology and ethology of each species, regulating relations between ecological corridors and plans and / or existing or proposed projects in those perimeters etc . [1]

Article 22 of Ordinance no. 57/2007 with subsequent amendments , regulate the internal zoning of protected natural areas of national interest. In order to improve this legislation , it is necessary zoning regulation for the sites of community interest [1] .

Lack of regulation on zoning issues for Natura 2000 sites can lead to inappropriate management of these sites , due to the lack of relationship between the areas of conservation interest and the natural resources exploitation activities (forest exploitation , grazing , hunting , exploitation of

watercourses in order to obtain electric energy, quarries and gravel pits , etc. .) and other anthropogenic activities (tourism , transport, etc. .) [1] . However the technical process of establishing a zoning for Natura 2000 sites, similar to the national parks should not be implemented as a binding concept as species and habitats that substantiates the Natura 2000 network have the same protected status at European level and in the system too, so the development of zoning could create significant differences in terms of management or conservation of species. The opportunity of zoning of Natura 2000 sites must be reviewed and decided by the particularity and conservation objectives established through management plans .

According to art . 26 paragraph (1) of the Emergency Ordinance no. 57/2007 with subsequent amendments , " for land in protected areas , held under private or leased property, the owners or dealers will be compensated for compliance with the restrictive provisions of the management plan for the protected area ." However, it has

not been established so far how to apply , computing and providing compensation [1] . The establishment of a compensation scheme for the restrictions generated by Natura 2000 network and its implementation can be an important tool in the long term conservation of wild fauna species, respectively mammals species .

Legal issues governing the implementation of policies at the national level in the protection and management of wildlife field

Given the increased economic interest on hunting species, there were analyzed legal regulations regarding their protection and in particular those contained in Law no. 407/2006 of hunting and protection of game management areas, as amended and supplemented, highlighting a number of issues related to the administration and management of game management areas, protection of the game species, regulation of hunting and the duties and powers of specialized bodies of State in the field of

protection of game species [1], [6] .

Potential legal changes should address the following legal issues : [1]

a) Eligibility of the manager of the game management area - setting more stringent technical criteria ;

b) The legal nature of the management contract of the game management area – establishing the responsibility especially in the case of an inefficient management ;

c) Responsibilities of the administrator of the game management area in relation with other regulatory documents than the hunting law , considering also conservative or social objectives

To protect game species, in exceptional situations , motivated by preservation of the biodiversity and maintaining the ecological balance , specific legislation allows the administrator to propose central public authority responsible for environmental protection , the restriction or extension of the hunting season for some game

species, based on expert scientific results [1] .

There must be analyzed and highlighted some of the objectives of protection of animals subject to hunting, such as :

→Stop hunting vulnerable or endangered wildlife species;

→ Clarification of the application of the exemptions for protected species and the use of hunting as a conservation management tool and not vice versa ;

→Organization and coordination of efforts to combat poaching, including clarifying aspects of finding offense of poaching ;

→The relationship between hunting activity and management of protected areas;

→Hunting bans.

It is necessary to harmonize legislation on hunting and management of protected areas, respectively the species protection legislation . Legislation relating to poaching must be clarified and strengthened as the poaching is a major threat to all species of mammals.

Other legal issues that need to be harmonized are related to the overall management of habitats , especially of forest habitats that do not fully cover hunting and conservation management . Legislative amendment should be supported by institutional strengthening of the regulatory bodies, currently at a position that does not support an

effective control measure (whatever its nature) . In fact the main problems are largely represented by the implementation of current legislation and to a lesser extent by the general legislative issues .

ANNEX

Normative acts in the field of Environment Protected Areas Biodiversity Conservation

No.	Type of document	Number of document	Year of document	Name	Description of document
1	MO	1948	2010	Regarding the approval of the Methodology for the award of protected areas management that requires the establishment of a management structure and of the Methodology for awarding custody of protected areas that do not require the establishment of management structures	
2	MO	19	2010	approving the Methodological Guide for proper evaluation of the potential effects of plans or projects on protected natural areas of Community interest;	
3	MO	1142	2010	approving the Methodology of charging by the administrators / custodians of protected areas and establishing the amount of visiting fee	Not published in the Official Gazette
4	MO	135	2010	approving the Methodology for the implementation of environmental impact assessment for public and private projects	
5	MO	979	2009	regarding the introduction of alien species, interventions on invasive species and reintroducing native species listed in Appendices 4A and 4B of the Government Emergency Ordinance no. 57/2007 on protected natural areas, natural habitats, wild flora and fauna conservation , on the national territory	
6	L	46	2008	Forest Code	
7	MO	1710	2007	approving the necessary documentation to establish the regime of protected area of national interest	

No.	Type of document	Number of document	Year of document	Name	Description of document
8	GEO	57	2007	on protected natural areas, natural habitats, wild flora and fauna conservation	supplemented, amended and approved by L 49/2011
9	GD	1284	2007	declaring protected areas for birds as part of the European network Natura 2000 in Romania	As amended by Government Decision 971/2011
10	MO	1798	2007	Approving the procedure for issuing the environmental permit	
11	MO	207	2006	approving the content of the standard form Natura 2000 and completing its manual	
12	L	407	2006	hunting and game protection, as amended by Law nr.197/2007	Amended by L. 197/2007, L.215/2008, GEO 102/2010
13	GEO	195	2005	for environmental protection	Approved as amended by L 265/2006, GEO 164/2008, GEO 114/2007, GEO 57/2007
14	L	347	2004	Mountain Law	Republished in 2009
15	GD	1076	2004	For setting procedure of environmental assessment for plans and programs	
16	MO	552	2003	approving the internal zoning of national parks and natural parks, in terms of the need for conservation of biological diversity	
17	L	451	2002	to ratify the European Landscape Convention, adopted in Florence on October 20, 2000	
18	L	5	2000	approving the National Spatial Plan - Section III - protected areas	
19	L	389	2000	ratifying the Convention on access to information for public participation in decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25.06.1998	
20	L	13	1998	to ratify the Convention on the Conservation of Migratory Species of Wild Animals, adopted at Bonn, June 23, 1979	

No.	Type of document	Number of document	Year of document	Name	Description of document
21	L	58	1994	ratifying the Convention on Biological Diversity adopted in Rio de Janeiro, June 5, 1994	
22	L	13	1993	to ratify the Convention on the Conservation of European Wildlife and Natural Habitats, Bern, 19.07.1979	

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